

CHAPTER 1

An act to amend Section 218 of the Revenue and Taxation Code, relating to the homeowners' property tax exemption, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 18, 1972. Filed with Secretary of State January 18, 1972.]

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

SECTION 1. Section 218 of the Revenue and Taxation Code as amended by Chapter 1752 of the Statutes of 1971 is amended to read:

218. The homeowners' property tax exemption is the amount of the assessed value of the dwelling as specified in Section 1d of Article XIII of the Constitution. The exemption does not extend to property which is rented, vacant, under construction on the lien date, or which is a vacation or secondary home of the owner or owners, nor does it apply to property on which an owner receives the veteran's exemption, or to property for which an owner received an allowance for taxes, either in whole or in part, either directly or indirectly, for the property tax year from the state or any political subdivision thereof, except assistance received under the Senior Citizens Property Tax Assistance Law provided for in Part 10.5 (commencing with Section 19501) of Division 2 of this code. "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling. As used in this section, "dwelling" shall include:

(a) A single-family dwelling occupied by an owner thereof as his principal place of residence on the lien date.

(b) A multiple-dwelling unit occupied by an owner thereof on the lien date as his principal place of residence. As used in this subdivision, "multiple-dwelling unit" does not include any unit containing more than two separate dwelling units.

(c) A condominium occupied by an owner thereof as his principal place of residence on the lien date.

(d) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in Section 17265, as his principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

"Dwelling" means a building, structure or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. For purposes of this section a two-dwelling unit shall be considered as two separate

single-family dwellings.

The exemption provided for in Section 1d of Article XIII of the Constitution shall first be applied to the building, structure or other shelter and the excess, if any, shall be applied to any land on which it may be located.

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

Senate Bill No. 569 was enacted as Chapter 1752 of the Statutes of the 1971 Regular Session of the Legislature, and the measure amended the homeowners' property tax exemption and specifically declared that it is operative with respect to property taxes for the 1972-1973 fiscal year and fiscal years thereafter. However, due to the length of the 1971 Regular Session, the measure will not become effective until shortly after the 1972 lien date. Therefore, in order to remove all possible doubt as to the operative effect of the amendments to the homeowners' property tax exemption by Senate Bill No. 569, it is necessary that this act go into immediate effect. In this way, Section 218 of the Revenue and Taxation Code, as amended by Senate Bill No. 569, will become effective prior to March 1, 1971, and such section, as so amended, shall be operative for property taxes for the 1972-1973 fiscal year and fiscal years thereafter.

CHAPTER 2

An act to add Section 994 to, and to repeal Section 994, as added by Chapter 1665 of the Statutes of the 1971 Regular Session, of, the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 25, 1972 Filed with
Secretary of State January 25, 1972]

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

SECTION 1. Section 994 of the Revenue and Taxation Code, as added by Chapter 1665 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 2. Section 994 is added to the Revenue and Taxation Code, to read:

994. Notwithstanding the provisions of Section 10758, all special construction equipment and special mobile equipment as defined in Sections 565, 570 and 575 of the Vehicle Code shall be subject to the provisions of this section.

(a) Any steel-wheeled or track-laying equipment shall not be subject to the license fees imposed pursuant to Part 5 (commencing with Section 10701) of Division 2 of this code, but shall be assessed

in the county where it has situs on the lien date.

(b) Rubber-tired equipment which must be moved or operated under permit shall be assessed in the county where it has situs on the lien date, but the assessee of such property shall be allowed to deduct from the amount of property tax the amount of any fee paid on such vehicle under Part 5 (commencing with Section 10701) of Division 2 of this code, if such fee is paid prior to the lien date for the calendar year in which the lien date occurs.

(c) Rubber-tired equipment that does not require a permit and which is licensed under Part 5 (commencing with Section 10701) of Division 2 of this code, shall not be otherwise assessed for purposes of property taxation.

SEC. 3. Section 1 of this act shall become operative on March 4, 1972. Section 2 of this act shall become operative on the lien date in 1972.

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

There has been a conflict of opinion as to whether special construction equipment and special mobile equipment referred to in this act is subject to the general property tax or to the Vehicle License Fee Law. In order that certainty concerning the taxation of such equipment be established at the earliest possible time it is necessary that this act go into immediate effect.

CHAPTER 3

An act to repeal Section 993 of, and to add Section 993 to, the Revenue and Taxation Code, and to repeal Section 2 of Chapter 1079 of the Statutes of the 1971 Regular Session of the Legislature, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 10, 1972 Filed with
Secretary of State February 10, 1972.]

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

SECTION 1. Section 993 of the Revenue and Taxation Code, as added by Chapter 1079 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 2. Section 993 is added to the Revenue and Taxation Code, to read:

993. The full cash value of distilled spirits in a controlled stock area shall not include the federal excise tax on such distilled spirits unless the federal excise tax has been paid.

SEC. 3. Section 2 of Chapter 1079 of the Statutes of the 1971

Regular Session of the Legislature is repealed.

SEC. 4. The provisions of Section 2 of this act are not intended by the Legislature to support a finding that they are either a change in, or declaratory of, existing law, as such law existed on the lien date in 1971.

SEC. 5. Sections 2 and 4 of this act shall become operative on the lien date in 1972. Sections 1 and 3 of this act shall become operative on March 4, 1972.

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

Assembly Bill No. 1986 was enacted as Chapter 1079 of the Statutes of the 1971 Regular Session of the Legislature. However, due to the extended duration of that session, the Legislature now finds that the provisions of the enactment will not become operative until after the lien date in 1972. In order that such provisions shall be operative on the lien date in 1972 and lien dates thereafter, it is necessary that this act shall go into immediate effect.

CHAPTER 4

An act to add Section 224 to, and to repeal Section 224, as amended by Chapter 1473 of the Statutes of the 1971 Regular Session, of, the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 10, 1972. Filed with
Secretary of State February 10, 1972.]

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

SECTION 1. Section 224 of the Revenue and Taxation Code, as amended by Chapter 1473 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 2. Section 224 is added to the Revenue and Taxation Code, to read:

224. The personal effects, household furnishings, and pets of any person in excess of the amount of any exemption allowed to the person on any property pursuant to Section 10½ of Article XIII of the State Constitution shall be exempt from taxation.

The phrase "personal effects, household furnishings, and pets" does not include boats, aircraft, vehicles, or personalty held or used in connection with a trade, profession or business or pets so held or used.

For purposes of this section, "pets" mean and include any animals held for noncommercial purposes and not as an investment.

SEC. 3. The provisions of this act shall not be construed to

prohibit local governments from licensing pets.

SEC. 4. Section 1 of this act shall become operative on March 4, 1972. Sections 2 and 3 of this act shall be operative for taxes for the 1972-1973 fiscal year and thereafter.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to carry out the clear intent of Chapter 1473 of the Statutes of the 1971 Regular Session to provide exemption from property taxation of household pets for the 1972-1973 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 5

An act to add Section 54933.6 to the Government Code, relating to county service areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1972. Filed with
Secretary of State February 11, 1972.]

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

SECTION 1. Section 54933.6 is added to the Government Code, to read:

54933.6. Notwithstanding any other provision of this chapter, any establishment by a board of supervisors of a tax zone or tax zones within any county service area pursuant to Section 25210.8, the proceedings for which were completed on February 7, 1972, shall be effective for assessment and taxation purposes for the 1972-73 fiscal year if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before February 29, 1972.

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

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

CHAPTER 6

An act to add Section 3.5 to Chapter 105 of the Statutes of 1971, relating to the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 17, 1972 Filed with
Secretary of State February 17, 1972.]

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

SECTION 1. Section 3.5 is added to Chapter 105 of the Statutes of 1971, to read:

Sec. 3.5. Section 1 of this act shall appear as Proposition No. 2 at the special election called by this act.

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

It is necessary for this act to take immediate effect in order to apply to the 1972 direct primary election.

 CHAPTER 7

An act to amend Sections 7071.6, 7071.9, and 7071.11 of the Business and Professions Code, and Section 3 of Chapter 669 of the Statutes of 1971, relating to contractors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1972 Filed with
Secretary of State February 29, 1972]

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

SECTION 1. Section 7071.6 of the Business and Professions Code, as amended by Chapter 669 of the Statutes of 1971, is amended to read:

7071.6. (a) Except as provided in Section 7071.8, the board shall require on or after July 1, 1969, and until and including March 3, 1972, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license that the applicant file or have on file a contractor's bond in the sum of one thousand dollars (\$1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars (\$1,000).

(b) Except as provided in Section 7071.8, the board shall require on or after March 4, 1972, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license, that the applicant file or have on file a contractor's bond in the sum of two

thousand five hundred dollars (\$2,500), or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars (\$2,500). No bond or cash deposit shall be required of a holder of an inactive license during the period his license is inactive.

SEC. 2. Section 7071.9 of the Business and Professions Code, as amended by Chapter 669 of the Statutes of 1971, is amended to read:

7071.9. (a) In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require on or after July 1, 1969 and until and including March 3, 1972, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and on or after July 1, 1971, as a condition precedent to the renewal of a license that the qualifying individual as referred to in Sections 7068 and 7068.1 when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of one thousand dollars (\$1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars (\$1,000).

(b) In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require on or after March 4, 1972, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and on or after March 4, 1972, as a condition precedent to the renewal of a license that the qualifying individual as referred to in Sections 7068 and 7068.1 when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of two thousand five hundred dollars (\$2,500), or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars (\$2,500). No bond or cash deposit shall be required of the holder of an inactive license during the period his license is inactive.

SEC. 3. Section 7071.11 of the Business and Professions Code is amended to read:

7071.11. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the licensee and the surety or the cash depository. A copy of the complaint shall be served by registered or certified mail upon the registrar by the clerk of the court at the time the action is commenced and the registrar shall maintain a record, available for public inspection, of all actions so commenced. The claim of any employee of the contractor for wages and fringe benefits shall be a preferred claim against any bond or cash deposit. If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed to all claimants in proportion to the amount of their respective claims with priority to claims for wages and fringe benefits. Any such action against a bond or cash deposit filed by an active licensee shall be brought within two years after the expiration of the license period

or periods for which a bond or cash deposit has been provided, or within two years of the date the license of such active licensee was inactivated by the board, whichever first occurs.

If the surety desires to make payment without awaiting court action, the amount of any bond filed in compliance with this chapter shall be reduced to the extent of any payment or payments made by the surety in good faith thereafter. The partial payment of any claims shall not be considered satisfaction of such claims and the claimants may institute appropriate legal action for payment of any unpaid balance in any other manner provided by law, and the registrar may continue suspension or revocation of any license involved until such time as said claims and any other claims arising out of an action against such bond or cash deposit are satisfied in full.

The aggregate liability of the surety for all claims of said persons shall, in no event, exceed the penal sum of said bond.

Upon failure of a licensee to maintain in full force and effect any bond or cash deposit required by this article the registrar shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond or cash deposit has been filed.

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. Such license may not be reissued or reinstated while any judgment or admitted claim in excess of the amount of the bond or cash deposit remains unsatisfied. The board shall require the licensee to file a new bond in an amount as required pursuant to Section 7071.8 or to increase his cash deposit to such an amount.

Legal fees may not be charged against the bond or cash deposit by the board.

SEC. 4. Section 3 of Chapter 669 of the Statutes of 1971 is amended to read:

Sec. 3. Notwithstanding Sections 7071.6 and 7071.9 of the Business and Professions Code, and except as provided in Section 7071.8 of the Business and Professions Code, the Contractors' State License Board shall require that on or after March 4, 1972, the holder of a license file or have on file a contractor's bond in the sum of two thousand five hundred dollars (\$2,500) or, in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars (\$2,500). No bond or cash deposit shall be required of the holder of an inactive license during the period his license is inactive.

SEC. 5. Sections 1, 2, 3, and 4 of this act shall be operative on and after March 4, 1972.

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

A question arises under provisions of law, to be effective March 4, 1972, as to whether the holder of an inactive contractor's license is required to file a bond or cash deposit with the Contractor's State

License Board. In order to carry out the original legislative intent of these provisions, to resolve conflicting interpretations of the meaning of the law and to eliminate confusion as to the legal effect of the law, between January 1, 1972, and March 4, 1972, it is imperative that this act go into immediate effect.

CHAPTER 8

An act relating to age of majority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 29, 1972 Filed with
Secretary of State February 29, 1972]

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

SECTION 1. Notwithstanding Section 1.5 of the Vehicle Code, all amendments to the Vehicle Code made by Chapter 1748 of the Statutes of 1971 shall become operative on March 4, 1972.

No civil liability of any person 18 years of age, but less than 21, arising out of his driving a motor vehicle upon a highway on and after March 4, 1972, shall be imposed by Section 17707 of the Vehicle Code upon any person, who, prior to March 4, 1972, signed and verified the application for such person 18 years of age, but less than 21, for a driver's license.

SEC. 2. This act shall become operative on March 4, 1972.

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

Some confusion may exist with respect to the effective date and application of certain provisions of Chapter 1748 of the Statutes of 1971 which amend the Vehicle Code. In order to avoid any such confusion it is necessary to have this act take immediate effect.

CHAPTER 9

An act to amend Section 11203 of the Revenue and Taxation Code, relating to the Private Car Tax Law, to take effect immediately, tax levy.

[Approved by Governor February 29, 1972 Filed with
Secretary of State February 29, 1972]

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

SECTION 1. Section 11203 of the Revenue and Taxation Code is amended to read:

11203. (a) "Private car" includes a passenger car, sleeping car, dining car, express car, refrigerator car, oil or tank car, horse or stock car, fruit car, or car designed for the carrying of a special commodity, operated upon the railroads in this state, which car is owned by any of the following:

(1) A sleeping car, dining car, drawing room or palace car company, refrigerator, oil, stock, or other car loaning, or other car company.

(2) By a person engaged in manufacturing, commerce, or other business.

(3) By any other person.

(b) "Private car" also includes any passenger train car, locomotive, or other equipment operated on the railroads in this state and owned, used, or leased by the National Railroad Passenger Corporation, created under the Rail Passenger Service Act of 1970 (Public Law 91-518, 91st Congress), or any successor in interest other than a railroad company.

(c) "Private car" does not include:

(1) Freight train or passenger train cars owned by railroad companies which are used or subject to use under the ordinary per diem agreement common to all railroads.

(2) Freight train or passenger cars handled under mileage or through line contract arrangements between railroad companies.

(3) Cars owned by or leased to any railroad company operating in this state, or by any railroad company operated as a part of the same railroad system as the company operating in this state, and used by the railroad company in the operation, maintenance, construction, or reconstruction of its property and assessed and taxed in this state as a part of the property of a railroad company operating in this state.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 10

An act to add Section 41.5 to Chapter 361 of the Statutes of 1971, relating to public school certificated employees and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 2, 1972. Filed with
Secretary of State March 2, 1972.]

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

SECTION 1. Section 41.5 is added to Chapter 361 of the Statutes of 1971, to read:

41.5. Section 40 of this act shall become operative on September 1, 1972.

SEC. 2. In the event that this act becomes effective after the 61st day following the final adjournment of the 1971 Regular Session of the Legislature, it shall be given retroactive effect to that day, and shall be construed as deferring for all purposes the need to comply with Article 5.5 (commencing with Section 13485) of Chapter 2 of Division 10 of the Education Code, until the date specified in Section 1 of this act.

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

Confusion has arisen in administrative construction of those provisions of Chapter 361 of the Statutes of 1971 relating to the evaluation and assessment of certificated employees of school districts. Those provisions, in the absence of this act, would become operative on the 61st day after the final adjournment of the 1971 Regular Session. Such construction indicates the possibility that the application of such provisions to the dismissal proceedings of certificated employees in progress on such operative date may be impractical, might be construed as interfering with such proceedings, and might precipitate otherwise unnecessary litigation prolonging otherwise valid administrative and judicial proceedings involving certificated employees. In order to avoid such possibilities, it is necessary that this act take effect immediately.

CHAPTER 11

An act to amend Section 75090.2 of the Government Code, relating to the Judges' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 2, 1972. Filed with
Secretary of State March 2, 1972.]

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

SECTION 1. Section 75090.2 of the Government Code as amended by Chapter 1049 of the Statutes of 1971 is amended to read:

75090.2. Any person who is a judge on the effective date of this section or December 1, 1971, may elect to come within the provisions of this article on or before April 1, 1972, provided he pays into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary under Section 75092 had he made the election within the applicable time limitation in Section 75090 as it read prior to the effective date of this section.

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

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

Due to the length of the 1971 Regular Session, an amendment to Section 75090.2 of the Government Code did not become effective in time to benefit any member of the Judges' Retirement System. In order to assure that the benefits of this act do become available prior to April 1, 1972, this act must take effect immediately.

CHAPTER 12

An act to add Sections 25210.77e, 25210.77f, 25830, and 25831 to, and to repeal Sections 25210.77e, 25210.77f, 25830, and 25831, as added by Chapter 1014 of the Statutes of the 1971 Regular Session of, the Government Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 2, 1972. Filed with
Secretary of State March 2, 1972]

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

SECTION 1. Section 25210.77e of the Government Code, as added by Chapter 1014 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 2. Section 25210.77f of the Government Code, as added by Chapter 1014 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 3. Section 25830 of the Government Code, as added by Chapter 1014 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 4. Section 25831 of the Government Code, as added by Chapter 1014 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 5. Section 25210.77e is added to the Government Code, to read:

25210.77e. On or before the first day of July of each calendar year, the board of supervisors of any county may, by resolution or ordinance, establish a schedule of fees to be imposed on land within a county service area, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation, and disposal services, where such services are provided. In establishing the schedule of fees, the board of supervisors shall classify the land within the county service area based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the land within the county service areas according to categories and ownership. The board shall impose the appropriate

fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis.

SEC. 6. Section 25210.77f is added to the Government Code, to read:

25210.77f. Any fees authorized pursuant to Section 25210.77e which remain unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. Upon receipt of the report the board shall fix a time, date and place for hearing the reports and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

SEC. 7. Section 25830 is added to the Government Code, to read:

25830. On or before the first day of July of each calendar year, the board of supervisors of any county may, by resolution or ordinance, establish a schedule of fees to be imposed on land within the unincorporated area of the county, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation, and disposal services, where such services are provided. In establishing the schedule of fees, the board of supervisors shall classify the land within the unincorporated area of the county based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the land within the unincorporated territory according to categories and ownership. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis.

SEC. 8. Section 25831 is added to the Government Code, to read: 25831. Any fees authorized pursuant to Section 25830 which remain unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. Upon receipt of the report the board shall fix a time, date and place for hearing the reports and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

SEC. 9. Sections 1, 2, 3, and 4 of this act shall become operative on March 4, 1972.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1014 of the Statutes of the 1971 Regular Session was intended, but failed, to provide for fees for the collection and disposal of waste. In order that this essential service be instituted as soon as possible it is necessary that this act go into immediate effect.

CHAPTER 13

An act to add and repeal Section 15958.6 to the Education Code, relating to contracts of school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 2, 1972 Filed with
Secretary of State March 2, 1972]

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

SECTION 1. Section 15958.6 is added to the Education Code, to read:

15958.6. Notwithstanding any limitations imposed by this article specifically with respect to electromechanical or electronic data-processing work to be done or related services to be performed, the governing board of any school district situated wholly or in part within a county having a population in excess of 1,400,000 in which no regional educational data-processing center is in operation, and which district had contracted, prior to January 1, 1972, for such electromechanical or electronic data-processing work to be done or related services to be performed, may contract for such work to be done or related services to be performed, without regard to such limitations.

This section shall remain in effect only until June 30, 1973, and as of that date is repealed.

SEC. 2. All contracts entered into prior to the effective date of this act by any school district situated wholly or in part within a county having a population in excess of 1,400,000 in which no regional educational data-processing center is in operation, for electromechanical or electronic data-processing work, without compliance with the provisions of Article 4 (commencing with Section 15951) of Chapter 1 of Division 12 of the Education Code, are hereby ratified, validated, confirmed, and declared to be legally effective for all purposes as though Section 15958.6 of the Education Code, as enacted by Section 1 of this act, had been in effect at the time any such contract was entered into.

This section shall be operative only until June 30, 1973.

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

Numerous school districts throughout the state have need for electromechanical and electronic data-processing work to be done, and related services to be performed, but are situated in counties in which no regional educational data-processing center is in operation. In order that such school districts may continue the orderly operation of their business, personnel, and pupil-related services without disruption due to statutory contractual limitations, it is necessary that this act take effect at the earliest possible time.

CHAPTER 14

An act to amend Sections 6349 and 6353 of the Elections Code, relating to nomination petitions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1972. Filed with Secretary of State March 6, 1972]

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

SECTION 1. Section 6349 of the Elections Code is amended to read:

6349. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the delegation, add his place of residence, and give his street and number if any.

SEC. 2. Section 6353 of the Elections Code is amended to read:

6353. The nomination paper for a group of candidates for election as delegates or alternates shall be in substantially the following form:

Section of Nomination Paper Signed by Voter on Behalf of Group of Candidates

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates or alternates preferring the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California } ss.
County of _____ }

Signer's Statement

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Democratic Party. I hereby nominate the following:

Delegates

Table with 4 columns: Number, Name, Residence city or town, County. Rows 1, 2, 3 with dotted lines for input.

Alternates

Number	Name	Residence city or town	County
1
2
3

(to such number as may be required.) etc., as candidates for delegates or alternates to the Democratic Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19___. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Signature	Residence
1
2
3
Etc.

Verification Deputy's Affidavit

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the Democratic Party as delegates or alternates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification deputy

Subscribed and sworn to before me this _____ day of _____,
19__

(SEAL)

Notary public (or other official)

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

It is necessary that this act take immediate effect in order to apply to the 1972 presidential primary election.

CHAPTER 15

An act to amend Sections 64007, 64252, 64273, and 64274 of, and to repeal Section 64274.5 of, the Agricultural Code, relating to milk, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 8, 1972. Filed with
Secretary of State March 8, 1972.]

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

SECTION 1. Section 64007 of the Agricultural Code is amended to read:

64007. "Handler" means any person that, as owner, agent, or broker, purchases, or otherwise acquires from a producer, producer-handler, or another handler, possession or control of milk, skim milk, or cream, in the form of unprocessed milk, skim milk, or cream, or in any other unprocessed form, for the purpose of processing it.

SEC. 2. Section 64252 of the Agricultural Code, as amended by Chapter 1258 of the Statutes of 1971, is amended to read:

64252. Each handler in this state, including each producer-handler, shall pay a fee to the director of not to exceed one and eight-tenths cents (\$.018) per hundredweight on all milk, skim milk, and cream received, during the months of October and May in each fiscal year from a producer, producer-handler, or another handler and utilized in the plant of the receiving handler, or producer-handler, in the processing and manufacture of milk and milk products for any of the usages defined in Sections 61842, 61843, 61844, and 61845. Such hundredweight shall be computed by combining the total pounds of milk fat and skim milk so utilized, and

shall include plant loss of such milk fat and skim milk allocated to each class usage, together with all condensed products and dry solids-not-fat utilized in the handler's plant in the fortification by such handler of class 1 milk or milk products.

SEC. 3. Section 64273 of the Agricultural Code, as amended by Chapter 1258 of the Statutes of 1971, is amended to read:

64273. During such period, each producer and producer-handler shall pay a maximum fee, for each month of the year other than the months of May and October, of not to exceed one and one-tenth cents (\$0.011) per hundredweight of milk produced by him in the state, delivered by him to a handler and used as class 1 milk, including milk produced by a producer-handler and used by such handler as class 1 milk.

For the purpose of this section, the class 1 usage for each producer shall be the hundredweight whole milk equivalent computed by combining the class 1 milk fat usage and the class 1 skim milk usage allocated to all milk delivered by such producer to a handler or producer-handler. Such class 1 skim milk usage shall be computed by dividing the class 1 solids-not-fat usage by the monthly average solids-not-fat test of skim milk in the milk first received from the producer by handlers or producer-handlers. The collection of the fee to be paid by handlers, including producer-handlers, pursuant to Sections 64252 and 64274, is to be used for the handler portion of council assessments only, and shall not affect payments by producers, nor in any way change the method of producer payment for milk.

SEC. 4. Section 64274 of the Agricultural Code, as amended by Chapter 1258 of the Statutes of 1971, is amended to read:

64274. During such period, each handler and producer-handler shall pay a maximum fee to the director, for each month of the year other than the months of May and October, of not to exceed one and one-tenth cents (\$0.011) per hundredweight on all milk, skim milk and cream received from a producer, producer-handler, or another handler and utilized in the plant of the receiving handler, or producer-handler, in the processing and manufacture of class 1 milk and milk products. Such class 1 usage shall be computed by combining pounds of milk fat and skim milk so utilized as class 1, together with plant loss of such milk fat and skim milk allocated to class 1 usage, and all condensed products and dry solids-not-fat utilized in the handler's plant in the fortification by such handler of class 1 milk or milk products.

SEC. 5. Section 64274.5 of the Agricultural Code, as added by Chapter 1258 of the Statutes of 1971, is repealed.

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

The provisions of Chapter 1258 of the Statutes of 1971, to become effective on the 61st day after the final adjournment of the 1971 Regular Session of the Legislature, require changes in the assessment

methods under the Dairy Council of California Law which will impose an undue burden on the Director of Agriculture and the milk industry. In order for the Director of Agriculture to implement the changes under this act which would prevent the imposition of such undue burden, it is necessary that this act become effective immediately.

CHAPTER 16

An act to amend Section 8823 of the Elections Code, relating to county central committees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1972 Filed with
Secretary of State March 9, 1972.]

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

SECTION 1. Section 8823 of the Elections Code is amended to read:

8823. In each city and county a county central committee shall be elected by Assembly districts and shall consist of six members elected from each Assembly district in the city and county.

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

It is necessary for this act to take effect immediately in order to apply to the 1972 direct primary election.

CHAPTER 17

An act to place an amendment to the Constitution on the ballot for the primary election to be held on Tuesday, June 6, 1972, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1972 Filed with
Secretary of State March 9, 1972]

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

SECTION 1. There shall be submitted to the people at the election to be held on the sixth day of June, 1972, or such other date as may be designated as the date for the 1972 direct primary, Senate Constitutional Amendment No. 6, proposed by the Legislature at the 1972 Regular Session. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional

amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this act.

SEC. 2. Within five days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 6, whichever occurs later, the author of such amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for adoption of the measure. If such constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, and a voter requests that an argument be drafted against the measure, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 6, whichever occurs later. Notwithstanding Section 3565.5 of the Elections Code, there shall be no rebuttal arguments printed in the ballot pamphlet.

SEC. 3. Upon either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 6, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and the analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 6, whichever occurs later. The measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

SEC. 3.5. Notwithstanding the provisions of Section 10212 of the Elections Code, Senate Constitutional Amendment No. 6 of the 1972 Regular Session of the Legislature, if adopted by the Legislature for submission to the people, shall be numbered 10 on the ballot and in the ballot pamphlets of the 1972 direct primary election.

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

In order to place the necessary constitutional provision on the ballot at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 18

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

[Approved by Governor March 14, 1972. Filed with Secretary of State March 14, 1972]

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

SECTION 1. For purposes of Chapter 5.5 (commencing with Section 5701) of Division 6 of the Education Code, "adult" means a person 21 years of age and older, and "minor" means a person under 21 years of age, notwithstanding Section 25 of the Civil Code, Chapter 1748 of the Statutes of 1971, or any other provision of law.

SEC. 2. Section 5756 of the Education Code is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 3. Notwithstanding Section 25 of the Civil Code, Chapter 1748 of the Statutes of 1971, or any other provision of law, for the purposes of the following provisions of Division 6 of the Education Code, "minor" means any person under 21 years of age:

Chapter 7.1 (commencing with Section 6750).

Chapter 8 (commencing with Section 6801).

Chapter 9 (commencing with Section 6901).

Chapter 9.5 (commencing with Section 6931).

Chapter 10 (commencing with Section 6950).

SEC. 4. Section 6902 of the Education Code is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 5. Section 16645.2 of the Education Code is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 6. Whenever in Division 14 (commencing with Section 17151) of the Education Code, reference is made to "adults" in the context of apportionments to school districts or county superintendents of schools, such reference shall be deemed to refer to persons 21 years of age or over notwithstanding Chapter 1748 of the Statutes of 1971 or any other provision of law.

Whenever in Division 14 (commencing with Section 17151) of the Education Code, reference is made to "minors" in the context of apportionments to school districts or county superintendents of schools, such reference shall be deemed to refer to persons under 21 years of age notwithstanding Section 25 of the Civil Code, Chapter 1748 of the Statutes of 1971, or any other provision of law.

SEC. 7. Section 25502.5 of the Education Code is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 8. For the purpose of determining whether or not a person is a "nonresident" for the purpose of subdivisions (a) and (c) of Section 25505 of the Education Code and related statutes, Section 1 of Chapter 1748 of the Statutes of 1971 and Section 25 of the Civil Code, as amended by that chapter, shall not be applicable.

SEC. 9. For purposes of Section 25514.5 of the Education Code,

“minor” means a person under 21 years of age, notwithstanding Section 25 of the Civil Code, Chapter 1748 of the Statutes of 1971, or any other provision of law.

SEC. 10. Section 25601 of the Education Code is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 11. Section 26501 of the Education Code is not affected by Chapter 1748 of the Statutes of 1971.

SEC. 12. It is the intent of the Legislature in enacting this measure to make a reasonable period of time available for the development of substantive legislation to resolve some of the funding, residency, and program problems involving the administration and operation of the community college system in California which might otherwise result from the immediate application of Chapter 1748 of the Statutes of 1971. It is the further intent of the Legislature that such substantive legislation will be formulated and enacted at the earliest possible time so as to become effective prior to the expiration of the temporary deferral dates provided for in Section 15 of this act.

SEC. 13. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 14. This act shall be interpreted and applied as though it were in effect and operative on the effective date of Chapter 1748 of the Statutes of 1971.

SEC. 15. Sections 1 to 11, inclusive of this act shall remain in effect until May 1, 1973, and shall have no force or effect after that date.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1748 of the Statutes of 1971 generally lowers the age of majority in California from 21 to 18 years of age for specific purposes. If that act were applied to the statutes relating to apportionments and allowances and the determination of residency for educational purposes, it would result in a substantial financial dislocation in the educational system of the state. In order to prevent such application, it is essential that this act take effect immediately.

CHAPTER 19

An act to amend Section 6363.6 of the Revenue and Taxation Code, and to add Section 16204.5 to the Welfare and Institutions Code, relating to institutions and boarding homes, and declaring the urgency thereof, to take effect immediately, urgency statute.

[Approved by Governor March 14, 1972 Filed with
Secretary of State March 14, 1972]

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

SECTION 1. Section 6363.6 of the Revenue and Taxation Code is amended to read:

6363.6. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this state of, meals and food products for human consumption furnished or served to and consumed—

(a) By patients or inmates of any institution which is:

(1) A hospital as defined in Section 1401 of the Health and Safety Code, which either holds the license required pursuant to Section 1400, or is exempt from the license requirement pursuant to Section 1415 of that code.

(2) A place for the reception or care of children holding the license or permit required pursuant to Section 16000 of the Welfare and Institutions Code.

(3) A place for the reception and care of persons holding the license or permit required pursuant to Section 16200 of the Welfare and Institutions Code.

(4) An establishment for the care, custody, or treatment of incompetent persons holding the license required of private institutions pursuant to Section 7001 of the Welfare and Institutions Code, or county or state hospitals for the mentally ill established pursuant to Division 7 (commencing with Section 7000) of the same code.

(b) By patients released from state hospitals when the meals are served by homes certificated pursuant to Section 16200.5 of the Welfare and Institutions Code (as added by Chapter 360, Statutes of 1967).

SEC. 1.5. Section 16204.5 is added to the Welfare and Institutions Code, to read:

16204.5. A permit or license or the renewal of a permit or license to conduct a family foster home which is a family residence that receives for care, with or without compensation, no more than six persons aged 16 and 17 shall be granted without payment of the fees required under Sections 16203.5 and 16204.

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

In order to permit sales and use tax exemptions to apply to changes made to Section 16200 of the Welfare and Institutions Code at the 1971 Regular Session, relating to institutions and boarding homes, at the earliest possible time and to encourage an adequate supply of certain licensed family foster homes by exempting them from the licensing fee imposed at the 1971 Regular Session, it is necessary that this act take effect immediately.

CHAPTER 20

An act to amend Section 1081.5 of the Education Code, relating to school trips, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1972. Filed with
Secretary of State March 14, 1972.]

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

SECTION 1. Section 1081.5 of the Education Code, as added by Chapter 1808 of the Statutes of 1971, is amended to read:

1081.5. The governing board of any school district or the county superintendent of schools of any county may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country adjoining the United States for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country adjoining the United States may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies, relative to the district's course of study for such pupils.

(b) Engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for such field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, any other state, or a foreign country where such excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

(d) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district.

No pupil shall be prevented from making the field trip because of

lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need of them.

The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip, but shall not exceed 10 school days. The Superintendent of Public Instruction shall advise the Legislature of the total amount of attendance credits which resulted from all field trips or excursions during the 1972-1973 fiscal year and the 1973-1974 fiscal year.

All persons making the field trip shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip. All adults taking out-of-state field trips and all parents or guardians of pupils taking out-of-state field trips shall sign a statement waiving such claims.

No transportation allowances shall be made by the Superintendent of Public Instruction for expenses incurred with respect to field trips which have an out-of-state destination. Any school district which transports pupils, teachers or other employees of the district in schoolbuses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of schoolbuses used in connection with such educational excursions. In computing the allowance to such school district for regular transportation there shall be deducted therefrom an amount equal to the depreciation of schoolbuses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

SEC. 2. The amendment made to Section 1081.5 of the Education Code by Section 1 of this act does not constitute a change in, but is declaratory of, existing law.

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

In order to resolve any possible doubt as to the authority of the governing board of a school district to conduct a field trip for a school band to the Republic of Mexico during the 1971-1972 school year, it is essential that this act take effect immediately.

CHAPTER 21

An act to add Section 54931.18 to the Government Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1972 Filed with
Secretary of State March 14, 1972]

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

SECTION 1. Section 54931.18 is added to the Government Code, to read:

54931.18. Notwithstanding the provisions of Section 54902, 54903, 54903.1, or any other provision of this chapter, the transfer or reorganization of school district territory, approved by the electors of the affected school district or districts at an election conducted in Modoc County on September 14, 1971, shall be effective for assessment and taxation purposes for the 1972-1973 fiscal year, provided that the statement and map or plat required by Sections 54900, 54902, and 54903.1 are filed on or before February 3, 1972.

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

Unless this act takes immediate effect, a newly reorganized school district will not be able to levy taxes to fund its operations for the entire 1972-1973 fiscal year.

CHAPTER 22

An act relating to the disposition of property by the Director of General Services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1972 Filed with
Secretary of State March 14, 1972]

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

SECTION 1. The Director of General Services, with the approval of the Department of Mental Hygiene, is hereby authorized to convey to the County of Santa Clara, upon such terms and conditions and with such reservations and exceptions as, in his opinion, may be in the best interest of the state, an easement for all purposes in approximately 1.83 acres of the Agnews State Hospital property located at the southwesterly corner of such property and extending from Lafayette Road easterly along the northern boundary of the Montague Expressway for the purposes of widening of such expressway.

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

The Montague Expressway Project, for which the easement authorized by this legislation is needed, is expected to be ready to go to bid prior to the adjournment of the 1972 Regular Session of the Legislature. In order that final plans can be prepared in time to meet the expected bid date it is necessary that this legislation go into immediate effect.

CHAPTER 23

An act to add Section 38109 to the Health and Safety Code, relating to mentally retarded persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1972 Filed with
Secretary of State March 14, 1972]

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

SECTION 1. Section 38109 is added to the Health and Safety Code, to read:

38109. Before any person is examined by a regional center pursuant to Section 1370.1 of the Penal Code, the court ordering such medical examination shall transmit to the regional center a copy of the orders made pursuant to proceedings conducted under Sections 1368 and 1369 of the Penal Code. The purpose of the medical examination shall be to determine if mental retardation is the primary diagnosis.

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

Chapter 1817 of the Statutes of 1971 provides for referral to a regional center for the mentally retarded of a criminal defendant when there is reason to believe that his inability to understand the nature and purpose of the proceedings taken against him so as to be able to conduct, or assist in, his own defense in a rational manner is a result of mental retardation. Clarification of the procedures by which the order of referral to the regional center is made is essential prior to the effective date of Chapter 1817.

CHAPTER 24

An act to repeal Section 11253 of, and to add Section 11253 to, the Welfare and Institutions Code, relating to aid to families with dependent children, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1972 Filed with
Secretary of State March 14, 1972]

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

SECTION 1. Section 11253 of the Welfare and Institutions Code, as amended by Chapter 578 of the 1971 Statutes, is repealed.

SEC. 2. Section 11253 is added to the Welfare and Institutions Code, to read:

11253. Aid may not be granted under the provisions of this chapter to or in behalf of any child over the age of 16 unless:

(a) He is less than 21 years of age and is regularly attending school or a training program, or if enrolled in an institution of higher education, attending regularly, achieving a passing grade and making progress according to standards set by the department, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment, provided that his earnings set aside for education or training are placed in an irrevocable trust for such purposes, with the county and the parents designated as joint trustees.

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

Chapter 1748 of the Statutes of 1971 became operative March 4, 1972. In order to insure that the application of Chapter 1748 to the aid to families with dependent children program does not result in the termination of aid to thousands of full-time students who are making satisfactory progress in their studies, it is necessary that this act take effect immediately.

CHAPTER 25

An act making an appropriation in augmentation of Item 227 of the Budget Act of 1971, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 1972. Filed with Secretary of State March 21, 1972.]

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

SECTION 1. The sum of two million one hundred sixty-seven thousand eight hundred ninety-seven dollars (\$2,167,897) is hereby appropriated from the General Fund to the Department of Youth Authority in augmentation of and upon the same terms and conditions as the appropriation made by Item 227 of the Budget Act of 1971.

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

The funds appropriated in Item 227 of the Budget Act of 1971 are insufficient to last through the current fiscal year because of an increased workload of special probation supervision programs at the local level.

 CHAPTER 26

An act to amend Section 14 of Chapter 1307 of the Statutes of 1971, relating to documents, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 1972. Filed with Secretary of State March 21, 1972.]

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

SECTION 1. Section 14 of Chapter 1307 of the Statutes of 1971, is amended to read:

Sec. 14. The provisions of this act shall become operative on the first day of the first calendar quarter succeeding the effective date of this act. However, the provisions of this act shall not apply to any lien or certificate recorded prior to the operative date of this act, nor shall they apply to the recording of a release of any such lien.

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

The intent of Chapter 1307, Statutes of 1971, was to impose a fee

upon the recording of any lien or certificate or for any release of such lien except a legally unenforceable lien, from and after the date upon which state agencies were authorized to include fees for the recording or release of such liens in the liability payable by the tax debtor. Under the operative language of Section 14 of Chapter 1307, Statutes of 1971, however, certain state agencies, including the Department of Human Resources Development, do not have authority to include fees for the recording or for the release of such liens in the liability payable by the tax debtor until April 1, 1972, the operative date of the chapter. Unless this act takes immediate effect, the liability for fees for the recording or release of such liens with respect to liens recorded prior to April 1, 1972 will be imposed upon the state agencies, rather than upon the tax debtor. Therefore, in order that the state agencies be relieved from an unintended liability for fees, it is necessary that this act take immediate effect.

It was also the intent of Chapter 1307, Statutes of 1971, to impose a fee upon the recording of agreements to reimburse a county for public aid granted by the county but only as to agreements recorded after the operative date of the act. Under the operative language of Section 14 of Chapter 1307, Statutes of 1971, however, the filing fee was inadvertently made to apply to agreements recorded prior to the operative date of the act. Counties are without budgeted funds to pay filing fees for agreements recorded prior to the effective date of the act. Therefore, in order that the counties be relieved from an unintended liability for fees, it is necessary that this act take immediate effect.

CHAPTER 27

An act to amend Sections 250.5 and 263 of, and to amend, repeal, and add Section 249 to, the Health and Safety Code, relating to physically handicapped children, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 1972. Filed with
Secretary of State March 21, 1972.]

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

SECTION 1. Section 249 of the Health and Safety Code is amended to read:

249. The Department of Public Health shall establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending and improving such services. The department shall receive and expend

all funds made available to it by the federal government, the state, its political subdivisions or from other sources, and it shall have power to supervise those services included in the state plan which are not directly administered by the state. The department shall cooperate with the medical, health, nursing and welfare groups and organizations concerned with the program, and any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

The reference to "the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 249 is added to the Health and Safety Code, to read:

249. The Department of Health shall establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending and improving such services. The department shall receive and expend all funds made available to it by the federal government, the state, its political subdivisions or from other sources, and it shall have power to supervise those services included in the state plan which are not directly administered by the state. The department shall cooperate with the medical, health, nursing and welfare groups and organizations concerned with the program, and any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

The reference to "the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. Section 250.5 of the Health and Safety Code is amended to read:

250.5. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. The director shall establish those conditions coming within a definition of "handicapped child" except as the Legislature may otherwise include in the definition. Phenylketonuria, hyaline membrane disease, cystic fibrosis, and hemophilia shall be among such conditions.

The reference to "the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 4. Section 263 of the Health and Safety Code is amended to read:

263. This article does not authorize any treatment service

without the written consent of a parent or guardian except as a person under 18 years is an emancipated minor.

SEC. 5. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 249 of the Health and Safety Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 249 of the Health and Safety Code, as added by Section 2 of this act, which includes the changes in Section 249 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

SEC. 6. It is the intention of the Legislature that to the extent permitted by federal law, eligibility of persons for services to physically handicapped children pursuant to Article 2 (commencing with Section 249) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code shall continue to age 21, but that, persons 18 years of age and over may consent to treatment service under Article 2. Notwithstanding any other provision of law, Sections 249, 250.5, and 263 of the Health and Safety Code, as amended by Sections 1, 2, and 3 of this act, respectively, shall not constitute a change in, but are declaratory of, the preexisting law.

SEC. 7. The sum of one million two hundred thousand dollars (\$1,200,000) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure, in augmentation of Item No. 248(b) of the Budget Act of 1971, for services to physically handicapped children.

SEC. 8. Sections 1 to 6, inclusive, of this act shall become operative on March 4, 1972.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will make available additional funds for the current fiscal year for services to physically handicapped children. Unless these funds are immediately made available services to needy physically handicapped children will have to be curtailed.

This act also eliminates the confusion regarding the eligibility of persons 18 years of age or over but under the age of 21 for services to handicapped children on and after March 4, 1972. Chapter 1748 of the Statutes of 1971, which lowers the legal age of majority to 18 for most purposes, will become operative on March 4, 1972. Section 1 of Chapter 1748 of the Statutes of 1971 could possibly be interpreted to eliminate services for physically handicapped children at age 18, although federal law provides that such persons are eligible for services to age 21. In order to eliminate the confusion regarding the eligibility of persons for services to physically handicapped children and to insure the continued availability of such services to persons who are 18 years of age or over but under the age of 21, it is imperative that this act take effect immediately.

CHAPTER 28

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

[Approved by Governor March 21, 1972. Filed with Secretary of State March 21, 1972]

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

SECTION 1. Notwithstanding any other provision of law, the State Board of Optometry shall permit a person who meets all of the following requirements to take the examination for a certificate of registration as an optometrist:

- (a) Is over the age of 18 years.
- (b) Is of good moral character.
- (c) Is a graduate of an accredited university or school, located in this state, where the science of optometry is taught.
- (d) Has been licensed to practice optometry in another state and has practiced optometry in such state.
- (e) Is a member of the National Board of Optometry, or an equivalent board.
- (f) Pays the fee specified in subdivision (b) of Section 3152 of the Business and Professions Code.
- (g) Applies, to take the examination, within 30 days following the effective date of this act.

The provisions of this section shall be operative for two years from the effective date of this act and thereafter shall have no force or effect.

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

Highly qualified California residents will be otherwise unable to take an examination, to be given this year, for the certificate of registration as an optometrist unless this act becomes effective immediately.

CHAPTER 29

An act making an appropriation to the Board of Governors of the California Community Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1972. Filed with Secretary of State March 23, 1972.]

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

SECTION 1. There is hereby appropriated from that portion of the unappropriated surplus of the State Construction Program Fund (Reserve Account) consisting of moneys derived from sources other than bond proceeds, the sum of one million four hundred seventy-six thousand one hundred dollars (\$1,476,100) to the Board of Governors of the California Community Colleges to be allocated by them, subject to the prior approval of the State Public Works Board, to the West Valley Joint Junior College District for site acquisition for its Mission Campus.

SEC. 2. The appropriation made by Item 301.9 of the Budget Act of 1971 shall revert to the Capital Outlay Fund for Public Higher Education.

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

In order to permit the West Valley Joint Junior College District to meet its commitments to its students and the public in view of the extreme scarcity of suitable college sites, particularly for serving the minority community, within the metropolitan Santa Clara County area; in view of the historically continuing increase in the number of students, in excess of 12 percent annually, in attendance in the district; and in view of the prolonged delay of the proceedings of purchasing this one available college site; it is essential that this act take effect immediately.

CHAPTER 30

An act to amend Sections 100032, 100042, 100124, 100131, and 100161 of, to add Sections 100081, 100093, and 100113 to, and to repeal Sections 100081, 100093, 100113, 100148, 100150, 100169.2, 100169.4, and 100171 of, and to repeal Article 7 (commencing with Section 100180) and Article 8 (commencing with Section 100200) of Chapter 5 of, and to repeal Chapter 7 (commencing with Section 100400) of, Part 12 of Division 10 of, the Public Utilities Code, and to amend Section 7252 of, and to repeal Section 7272.5 of, the Revenue and Taxation Code, relating to the Santa Clara County Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1972. Filed with Secretary of State March 23, 1972]

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

SECTION 1. Section 100032 of the Public Utilities Code is amended to read:

100032. The Board of Supervisors of the County of Santa Clara may, after notice and public hearing, published pursuant to Government Code Section 6061, adopt a resolution declaring that in its opinion public interest or necessity demands the formation of the Santa Clara County Transit District.

SEC. 2. Section 100042 of the Public Utilities Code is amended to read:

100042. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "Santa Clara County Transit District" be formed?	YES <input type="checkbox"/>
	NO <input type="checkbox"/>

SEC. 4. Section 100081 of the Public Utilities Code is repealed.

SEC. 5. Section 100081 is added to the Public Utilities Code, to read:

100081. The commission shall be composed of 25 members as follows:

(a) Fifteen city councilmen, one to be appointed by the city council from its membership from each of the following cities: Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale.

(b) Seven public members to represent persons who have a special need for transit service, such as minority persons, persons with limited means, the elderly, the handicapped, and the young, who shall be appointed as follows: three by the San Jose City Council,

one by the Santa Clara City Council, one by the Sunnyvale City Council, and two by the board of supervisors.

(c) Three public members appointed by the board of supervisors because of their special knowledge of transit.

Members of the commission shall serve a two-year term, and any vacancy on the commission shall be filled for the balance of the term by the authority who holds the appointment to that vacancy. A vacancy shall exist on the commission if a member who is serving thereon because he holds the office of councilman no longer holds that office.

SEC. 6. Section 100093 of the Public Utilities Code is repealed.

SEC. 7. Section 100093 is added to the Public Utilities Code, to read:

100093. All conflict of interest laws applicable to the officers or employees of the county shall apply to the officers and employees of the district.

SEC. 8. Section 100113 of the Public Utilities Code is repealed.

SEC. 9. Section 100113 is added to the Public Utilities Code, to read:

100113. The district shall not levy any tax.

SEC. 10. Section 100124 of the Public Utilities Code is amended to read:

100124. The district may insure against any accident or destruction of the system or any part thereof. The district may insure against loss of revenues from any cause whatsoever. The district may also provide insurance as provided in Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

SEC. 10.5. Section 100131 of the Public Utilities Code is amended to read:

100131. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power, shall in addition to the damages for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this part or any other law, no property in public use shall be taken by the district, except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

No taking or acquisition by the district which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service.

SEC. 11. Section 100148 of the Public Utilities Code is repealed.

SEC. 12. Section 100150 of the Public Utilities Code is repealed.

SEC. 13. Section 100161 of the Public Utilities Code is amended to read:

100161. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, parking lots and any and all facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons or vehicles thereto, and may acquire any interest in or rights to use or joint use of any or all of the foregoing; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works, and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code. Installations in county highways and city streets shall be subject to similar encroachment permits.

SEC. 14. Section 100169.2 of the Public Utilities Code is repealed.

SEC. 15. Section 100169.4 of the Public Utilities Code is repealed.

SEC. 16. Section 100171 of the Public Utilities Code is repealed.

SEC. 17. Article 7 (commencing with Section 100180) of Chapter 5 of Part 12 of Division 10 of the Public Utilities Code is repealed.

SEC. 18. Article 8 (commencing with Section 100200) of Chapter 5 of Part 12 of Division 10 of the Public Utilities Code is repealed.

SEC. 19. Chapter 7 (commencing with Section 100400) of Part 12 of Division 10 of the Public Utilities Code is repealed.

SEC. 20. Section 7252 of the Revenue and Taxation Code is amended to read:

7252. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District and the Southern California Rapid Transit District.

SEC. 21. Section 7272.5 of the Revenue and Taxation Code is repealed.

SEC. 22. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act removes any taxing or bonding authority of the Santa

Clara County Transit District. In order that this act be in effect by June 6, 1972, at which time the question of formation of the district will be submitted to the voters of the proposed district, it is necessary that this act take effect immediately.

CHAPTER 31

An act to amend the heading of Article 9 (commencing with Section 1081) of Chapter 3 of Division 4 of, to add Section 1081.5 to, and to repeal Sections 1081 and 1081.5 of, the Education Code, relating to school field trips and excursions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1972. Filed with Secretary of State March 23, 1972.]

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

SECTION 1. The heading of Article 9 (commencing with Section 1081) of Chapter 3 of Division 4 of the Education Code is amended to read:

Article 9. Excursions and Field Trips

SEC. 2. Section 1081 of the Education Code is repealed.

SEC. 3. Section 1081.5 of the Education Code, as added by Chapter 1808 of the Statutes of 1971, is repealed.

SEC. 4. Section 1081.5 is added to the Education Code, to read:

1081.5. The governing board of any school district or the county superintendent of schools of any county may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for such pupils.

(b) Engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for such field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where such excursions and field trips are being conducted; provided that, when district equipment is used, the

governing board shall secure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

(d) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district.

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

No group shall be authorized to take a field trip or excursion authorized by this section if any pupil who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds.

No expenses of pupils, instructors, supervisors, or other personnel participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country, authorized by this section shall be paid with school district funds.

The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip or excursion, but shall not exceed 10 schooldays. The Superintendent of Public Instruction shall advise the Legislature of the total amount of attendance credits which resulted from all field trips or excursions during the 1972-1973 fiscal year and the 1973-1974 fiscal year.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving such claims.

No transportation allowances shall be made by the Superintendent of Public Instruction for expenses incurred with respect to field trips or excursions which have an out-of-state destination. Any school district which transports pupils, teachers or other employees of the district in schoolbuses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of schoolbuses used in connection with such educational excursions. In computing the allowance to such school district for regular transportation there shall be deducted therefrom an amount equal to the depreciation of schoolbuses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

SEC. 5. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit pupils to participate in field trips to foreign countries during the 1971-1972 school year, according to schedules which have been established, it is necessary that this act go into immediate effect.

CHAPTER 32

An act to amend Sections 13920, 14005.3, 14053, 14121, 14132 and 14145 of the Welfare and Institutions Code, relating to health care services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1972 Filed with
Secretary of State March 23, 1972.]

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

SECTION 1. Section 13920 of the Welfare and Institutions Code is amended to read:

13920. The purpose of this article is to provide out-of-home care to those recipients of public assistance for whom care in their own homes is impractical; however, the provisions of this article shall not duplicate intermediate care or other out-of-home facility services provided under the California Medical Assistance Program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code).

SEC. 2. Section 14005.3 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is amended to read:

14005.3. A person in an intermediate care facility, a skilled nursing home, hospital, institution for tuberculosis, or for mental disease, or other medical facility, and who, if he left the facility, would be eligible for a cash grant under a chapter specified in Section 14005.1, is eligible for health care services under Section 14005, to the extent for which there is matching federal financial participation.

SEC. 3. Section 14053 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is amended to read:

14053. "Health care services" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Public Health, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

4. Skilled nursing home services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law), as defined for the purpose of securing federal approval of a plan under Title XIX of the Federal Social Security Act, to persons 21 years of age or older, or to persons under 21 years of age to the extent permitted by federal law.

5. Physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

6. Medical care, or any other type of remedial care recognized under the laws of this state, furnished by licensed practitioners within the scope of their practice as defined by the laws of this state. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

7. Home health care services.

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select.

13. Other diagnostic, screening, preventive, or rehabilitative services.

14. Intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases except to the extent permitted by federal law) for individuals who are determined, in accordance with Title XIX of the Federal Social Security Act, to be in need of such care.

15. Inpatient hospital services and skilled nursing home services for any individual 65 years of age or over in an institution for tuberculosis or mental diseases.

Such term shall not include, except to the extent permitted by federal law,

a. Any care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

b. Any care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

SEC. 4. Section 14121 of the Welfare and Institutions Code is amended to read:

14121. Any recipient of health care under this chapter who is discharged from a hospital, nursing home, or intermediate care facility who meets the eligibility requirements for public assistance, and who otherwise has insufficient income to maintain himself, shall be granted aid immediately for the cost of his maintenance as determined by the standards set forth for such public assistance programs.

Any recipient of health care under this chapter who is discharged from a hospital, nursing home, or intermediate care facility and who was a recipient of public assistance, shall be entitled to have his aid grant increased or restored immediately upon his discharge from the hospital, nursing home, or intermediate care facility, and no new application shall be required.

SEC. 5. Section 14132 of the Welfare and Institutions Code, as amended by Chapter 1685 of the Statutes of 1971, is amended to read:

14132. The following is the basic schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

The extent of such coverage is limited to a maximum total of two services from among the above in any month, and not to exceed twenty-four (24) services from among the above during any period of twelve (12) consecutive months; provided however that only as to physician outpatient services, any visits unused during the month immediately preceding the current month may be used in the current month, subject to the limitation that physician and other services from among the above shall not be covered in excess of twenty-four (24) among all such services during any period of twelve (12) consecutive months. As to hospital outpatient services, the above limitation on extent of coverage shall not apply to the services set forth in subdivisions (e), (f), (g), (h), (I), and (m) when rendered as part of a hospital outpatient visit.

(b) Hospital inpatient care, including physician services, is covered to a maximum of sixty-five (65) days in a period of twelve (12) consecutive months, subject to utilization controls.

(c) Nursing home care, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Other covered services listed in subdivision (a) of this section shall be subject to outpatient service controls described in subdivision (a) of this section.

(d) Purchase of prescription drugs is covered, but not to exceed two prescriptions purchased during any one month, as prescribed, subject to the Medi-Cal Drug Formulary.

(e) Hospital outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls

(f) Outpatient laboratory and outpatient X-ray services are

covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain artificial dentures necessary for obtaining employment.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(l) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Physical therapy services, occupational therapy services, speech therapy services and audiology services provided in rehabilitation centers approved by the department are covered, subject to utilization controls and approval by the department of extended treatment plans.

(o) Intermediate care facility services, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls.

SEC. 6. Section 14145 of the Welfare and Institutions Code, as amended by Chapter 577 of the 1971 Statutes, is amended to read:

14145. Prepaid health plans and pilot programs established pursuant to Section 14000(f), the services they provide and the persons receiving such services shall not be subject to the limitations on services set forth in Section 14132, or the provisions of Section 14120(c), (d), (e), and (f) or the fifth paragraph of Section 14105.

SEC. 7. Until the Secretary of Health, Education and Welfare establishes, by regulation, standards in accordance with Title XIX of the Federal Social Security Act for intermediate care facilities, there shall be no requirement for the provision of intermediate care in nursing homes; however, a nursing home may elect to waive the provisions of this section and voluntarily apply to the department to provide intermediate care in its facility.

SEC. 8. The Director of Finance shall transfer from subdivision (c) of Item 256 of the Budget Act of 1971 (Chapter 266, Statutes of 1971) to Item 229 of such Budget Act, an amount sufficient to permit the Department of Health Care Services to fund the intermediate care program provisions of PL 92-223.

SEC. 9. Any claim for intermediate care services rendered on or after January 1, 1972, which claim is otherwise allowable and payable, shall be paid from the Health Care Deposit Fund. This section shall

have no force or effect after July 1, 1972.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to comply with amendments to the Federal Social Security Act effective January 1, 1972, which brought intermediate care facility services under Title XIX of said act (Medicaid), to make such services available to the medically needy and continue the availability to public assistance recipients, and to enable the state to obtain federal financial participation in payment for such services, it is necessary that this act take effect immediately.

CHAPTER 33

An act relating to students in higher education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1972 Filed with
Secretary of State March 23, 1972.]

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

SECTION 1. Notwithstanding Chapter 1748 of the Statutes of 1971, the term "minor" as used in Sections 23057 and 23755 of the Education Code shall be deemed to include persons under 21 years of age.

SEC. 2. This act shall cease to be operative on July 1, 1973.

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

Students at the University of California and the California State University and Colleges who are under the age of 21 and who are dependents of United States military personnel stationed in California were, prior to the enactment of Chapter 1748 of the Statutes of 1971, considered minors and were not subject to nonresident tuition and fees at the university.

In order that those students not be deprived of such resident status for the spring quarter which commences in March of 1972, it is necessary that this act take effect immediately.

CHAPTER 34

An act making an appropriation to the Judges' Retirement Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1972. Filed with Secretary of State March 23, 1972.]

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

SECTION 1. The sum of two hundred thousand dollars (\$200,000) is hereby appropriated from the General Fund to the Judges' Retirement Fund, for the payment of the benefits to retired judges.

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

The level of benefits of retired judges are based upon the compensation received by active judges and that compensation has been recently increased. Therefore, this act must take effect immediately, in order for funds to be available to pay the required increase in retirement benefits.

 CHAPTER 35

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

[Approved by Governor March 28, 1972. Filed with Secretary of State March 28, 1972.]

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

SECTION 1. (a) In the event a school district failed to include in its 1971-1972 budget, and the board of supervisors thereafter failed in the fiscal year 1971-1972 to levy a tax upon the property in the school district sufficient to raise for the district, the amount of money to be withheld by the State Controller during the fiscal year 1971-1972, as required by Sections 19436 and 19611 of the Education Code, and in the event the county auditor certifies that fact and the amount of such insufficiency to the State Controller, that officer shall reduce the total amount of the deductions from apportionments to be made to that district pursuant to Sections 19436 and 19611 of the Education Code for the 1971-1972 fiscal year by the amount of such insufficiency.

(b) For the fiscal year 1971-1972, the apportionments from the State School Fund for any district which is subject to subdivision (a) shall be increased by an amount equal to the total amount of deductions made pursuant to Sections 19436 and 19611 during the 1971-1972 fiscal year.

(c) For the fiscal year 1972–1973, the State Controller shall add to the amounts to be deducted under Sections 19436 and 19611 of the Education Code, the amount of any reductions in any such deduction effected during the fiscal year 1971–1972, pursuant to subdivision (a), plus an amount equal to 6 percent of such deductions.

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

By reason of inadvertence, there was a failure of at least one school district to include in its 1971–1972 budget, and thereafter, a failure to levy a tax sufficient to provide, the full amount of the 1971–1972 annual repayments of apportionments made under the State School Building Aid Law of 1952. If this act were not to take effect immediately, the State Controller would be required by Sections 19436 and 19611 of the Education Code to deduct the total amount of the annual repayment for such district in equal amounts from the February through May installments of the apportionments to be made to the district from the State School Fund, which would seriously deplete the general fund of such district and would have its consequent effect upon the educational opportunities afforded to the children of the district.

CHAPTER 36

An act to amend Section 13658 of the Education Code, and to amend Section 1253.4 of, and to add Section 803.5 to, the Unemployment Insurance Code, relating to classified school employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1972 Filed with
Secretary of State March 28, 1972.]

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

SECTION 1. Section 13658 of the Education Code, as added by Chapter 1622 of the Statutes of 1971, is amended to read:

13658. Every regularly employed classified school employee employed by any of the following: (a) governing board of a school district, (b) county board of education, (c) county superintendent of schools, or (d) personnel commission of a school district which has a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3 of Division 10 of the Education Code, shall be covered for unemployment insurance pursuant to Sections 135.3, 605.2, and 802 of the Unemployment Insurance Code.

As used in this section, "regularly employed classified school employee" includes all persons employed pursuant to Sections 872,

934, 949, 13581.2, 13581.5, 13599.7, and Sections 13581.1 and 13712 and any other similar provisions heretofore or hereafter enacted. Persons serving as substitute, short-term, part-time playground, full-time day student employed part-time where enrolled, apprentice, temporary professional expert, emergency, limited term, or provisional employees or volunteers are, unless otherwise eligible, excluded from the meaning of the term.

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

SEC. 2. Section 803.5 is added to the Unemployment Insurance Code, to read:

803.5. For the employing units specified in Section 135.3, no obligation to the Unemployment Fund shall be owing under any financing method until after December 15, 1972, and employing units shall choose a method for financing unemployment insurance coverage during the month of July, 1972. Obligation to the Unemployment Fund shall be dependent upon the choice made by or on behalf of the employing unit. However, the employing units shall otherwise conform to the requirements of this division, particularly to those pertaining to records and timely reports.

SEC. 3. Section 1253.4 of the Unemployment Insurance Code, as added by Chapter 1622 of the Statutes of 1971, is amended to read:

1253.4. Notwithstanding any other provision of this division, unemployment compensation benefits, extended duration benefits, and federal-state extended benefits based on service performed in a classified service position that is included in covered employment pursuant to Section 605.2, shall not be payable to any individual with respect to any week if any day of the week is within any school vacation, summer or special school session, recess or holiday (hereinafter referred to as "recess period") and he is scheduled to return to work at the end of the recess period, except that if he is not returned to work at the end of the recess period or is laid off within 30 working days thereafter, the department may reconsider any determination denying benefits and may pay benefits to him for any week in the recess period if he is otherwise eligible in all respects except for the requirement of subdivision (b) of Section 1253 that he report for each week benefits are claimed.

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

It is essential that the employing units be given an opportunity to delay payments into the Unemployment Fund and to make the election of financing unemployment insurance coverage in the most expeditious manner possible in order to facilitate the orderly administration of the program. For these reasons it is essential that this act take effect immediately.

CHAPTER 37

An act to amend Section 22830 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1972 Filed with
Secretary of State March 28, 1972.]

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

SECTION 1. Section 22830 of the Elections Code is amended to read:

22830. Not earlier than the 89th nor later than the 68th day before any municipal election to fill offices, the city clerk shall publish a notice of the election in the city pursuant to Section 6061 of the Government Code. The notice shall be headed "Notice of Election," and shall contain a statement of:

- (a) The time of the election;
- (b) The offices to be filled, specifying full term or short term, as the case may be.

If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city.

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

In order to have the provisions of this act operative at the time of the municipal elections scheduled for April 1972, it is essential that this act go into immediate effect.

CHAPTER 38

An act to repeal Sections 73, 75, and 76 of Chapter 1748 of the Statutes of 1971, relating to age of majority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1972 Filed with
Secretary of State March 28, 1972.]

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

SECTION 1. Section 73 of Chapter 1748 of the Statutes of 1971 is repealed.

SEC. 2. Section 75 of Chapter 1748 of the Statutes of 1971 is repealed.

SEC. 3. Section 76 of Chapter 1748 of the Statutes of 1971 is repealed.

SEC. 4. The Legislature intends that any use of or reference to the words "age of majority," "age of minority," "adult," "minor," or words of similar intent in any instrument, order, transfer, or governmental communication whatsoever made in this state:

(a) Before the effective date of Chapter 1748 of the Statutes of 1971, shall make reference to persons older or younger than 21 years of age, and

(b) On or after the effective date of Chapter 1748 of the Statutes of 1971, shall make reference to persons older or younger than 18 years of age.

Nothing contained herein or in Chapter 1748 of the Statutes of 1971 shall prevent the amendment of any court order, will, trust, contract, transfer, or instrument to refer to the new 18-year-old age of majority where such court order, will, trust, contract, transfer, or instrument is:

(1) In existence on the effective date of Chapter 1748 of the Statutes of 1971; and

(2) Subject to amendment by law and where amendment is allowable or not prohibited by the terms thereof; and

(3) Otherwise subject to the laws of this state.

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

It has come to the attention of the Legislature since passage of A.B. 2887 (now Chapter 1748 of the Statutes of 1971) that there were and are thousands of court orders outstanding in this state referring to "age of majority" or to the ages of 19, 20, or 21. It is now apparent that great confusion will be caused within the judicial system and among California citizens unless it is made clear that all outstanding court orders remain unamended and unaffected by Chapter 1748 of the Statutes of 1971 and to further make clear that these court orders may be amended to reflect the new age of majority where such amendment is proper in the discretion of the courts under California law or by the terms of the outstanding court orders. Likewise, it is thought prudent to expressly indicate the intention of the Legislature that any instrument outstanding on the effective date of the new law may be amended if otherwise permissible or not prohibited by the law or its own terms.

CHAPTER 39

An act to amend Section 25541.7 of the Education Code, relating to community colleges.

[Approved by Governor March 30, 1972. Filed with Secretary of State March 30, 1972.]

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

SECTION 1. Section 25541.7 of the Education Code, as enacted by Chapter 1302 of the Statutes of 1971, is amended to read:

25541.7. (a) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1975, and such first bond issue passed provided for the issuance of bonds at a rate of interest of 5 percent.

(b) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1976.

(c) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1978.

 CHAPTER 40

An act to amend Section 10122 of the Insurance Code, as added by Chapter 570 of the Statutes of 1971, and to amend and renumber Section 12532.9 of the Government Code, as added by Chapter 419 of the Statutes of 1971, relating to health insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 30, 1972. Filed with Secretary of State March 30, 1972.]

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

SECTION 1. Section 12532.9 of the Government Code, as added by Chapter 419 of the Statutes of 1971 is amended and renumbered, to read:

12532.8. Every health care service plan delivered or issued for

delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of a member shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the member for support and maintenance, provided proof of such incapacity and dependency is furnished to the health care service plan by the member within 31 days of the child's attainment of the limiting age and subsequently as may be required by the plan but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

Group or individual hospital, medical or surgical service agreements currently approved by the Attorney General which are delivered or issued for delivery more than 120 days after the effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted. Such service agreements submitted to the Attorney General for approval on and after the effective date of this section shall contain provisions in compliance with this section.

SEC. 1.5. Section 10122 of the Insurance Code, as added by Chapter 570 of the Statutes of 1971, is amended to read:

10122. If a policy of group disability insurance issued or issued for delivery or amended in this state after the effective date of this section provides in any manner for coverage for an employee and one or more covered persons dependent upon such employee and provides for an extension of coverage for any period following a termination of employment of the employee, the policy shall provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective bargaining agreement.

All such group disability policies issued or issued for delivery or amended in this state after the effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted.

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

Legislation enacted at the 1971 Regular Session provides certain health insurance policies delivered or issued for delivery 120 days after the effective date of the 1971 legislation pursuant to certain provisions of the Insurance Code would be deemed in compliance with that legislation. This act extends the same provision to certain health policies written pursuant to provisions of the Government

Code. In order for these similar provisions to take effect at the same time, this act must go into immediate effect.

SEC. 3. The provisions of this act shall become operative March 4, 1972.

CHAPTER 41

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

[Approved by Governor April 3, 1972. Filed with
Secretary of State April 3, 1972.]

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

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

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

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

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.

Community college districts.

Community facilities districts.

Community service districts.

Conservancy districts.

County boards of education.

County drainage districts.

County fire protection districts.

County flood control and water districts.

County maintenance districts.

County power pumping districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries

of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by such sections.

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

SEC. 10. This act may be cited as the First Validating Act of 1972.

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

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

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

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

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

CHAPTER 42

An act to repeal Chapter 32 (commencing with Section 50001) of, and to add Chapter 32 (commencing with Section 50001) to, Division 17 of the Agricultural Code, and to repeal Chapter 536 of the Statutes of 1971, relating to vegetable standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1972 Filed with
Secretary of State April 3, 1972]

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

SECTION 1. Chapter 32 (commencing with Section 50001) of Division 17 of the Agricultural Code is repealed.

SEC. 2. Chapter 536 of the Statutes of 1971 is repealed.

SEC. 3. Chapter 32 (commencing with Section 50001) is added to Division 17 of the Agricultural Code, to read:

CHAPTER 32. POTATOES

Article 1. Standard Generally

50001. Except as otherwise provided in this chapter, potatoes shall conform to the United States No. 2 grade or better, except potatoes which are less than 1½ inch minimum diameter shall be considered as not meeting United States No. 2 grade.

50002. The director may, upon petition of an industry committee that he finds has a substantial interest in the growing or handling of potatoes, establish, modify, or rescind by regulation standards of quality, grade, size, and maturity higher than United States No. 2 grade for potatoes destined for fresh market. In establishing such regulations, the director shall take into consideration the interests of potato producers as well as the acceptability of potatoes to be sold to the consumer.

The director, in establishing such regulations, may exclude areas of the state covered by a federal or state marketing order for potatoes from such additional requirements. However, in no case shall regulations so established be below the standards for a United States No. 2 grade potato.

50003. Potatoes for processing which fail to comply with maturity or size, or both maturity and size, requirements of this chapter or of maturity regulations of the director may be transported out of this state; provided that the potatoes are in bins or bulk loads of more than 100 pounds. Containers holding 100 pounds or less may be used; provided, however, that there shall be stenciled or imprinted upon each such container in three-inch letters the words "processing potatoes." No container of processing potatoes shall be transported out of the state bearing any false or misleading statement.

50004. Notwithstanding any provision of Section 43251, all

potatoes, in containers designed to hold 100 pounds or less of potatoes, destined for processing in this state that fail to meet United States No. 2 grade or quality, size, and maturity grades and standards established by regulations of the director shall bear upon their containers in a conspicuous manner and in plain sight the name of the person who authorized the packing of the potatoes or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer. Each container of such potatoes shall also have printed or stenciled on it in three-inch letters the full unabbreviated words "processing potatoes," and such potatoes shall only be used for processing purposes.

Article 2. Potatoes for Seed Purposes

50031. Potatoes for seed purposes, unless certified pursuant to Chapter 3 (commencing with Section 52651), Division 18, shall comply with all of the requirements of this division which relate to potatoes.

50032. Potatoes for use within this state for seed purposes, that fail to conform to the standards which are prescribed by Article 1 (commencing with Section 50001) of this chapter only by reason of serious damage which is due to greening and green ends, are as to such damage exempt from such standard if they are conspicuously marked and identified for seed purposes, or if they bear a notice which is accompanied by an order which directs the disposition of the potatoes for seed purposes only.

50033. The notice and order shall have the same force and effect as the warning notice and disposal order provided in Section 42881, and shall be subject to all the provisions of this division which relate to the warning notice and disposal order.

SEC. 4. Section 2 of this act shall become operative on the 61st day after the final adjournment of the 1971 Regular Session of the Legislature.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet the needs of the current marketing season for potatoes, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 43

An act to amend Section 690.6 of the Code of Civil Procedure, relating to levies of execution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 6, 1972. Filed with
Secretary of State April 6, 1972]

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

SECTION 1. Section 690.6 of the Code of Civil Procedure, as amended by Chapter 1684 of the Statutes of 1971, is amended to read:

690.6. (a) Except as provided in Section 11489 of the Welfare and Institutions Code, all of the earnings of the debtor received for his personal services shall be exempt from levy of attachment without filing a claim for exemption as provided in Section 690.50.

(b) One-half or such greater portion as is allowed by statute of the United States, of the earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the date of a withholding by the employer under Section 682.3, shall be exempt from execution without filing a claim for exemption as provided in Section 690.50.

(c) All earnings of the debtor received for his personal services rendered at any time within 30 days next preceding the date of a withholding by the employer under Section 682.3, if necessary for the use of the debtor's family residing in this state and supported in whole or in part by the debtor, unless the debts are:

(1) Incurred by the debtor, his wife, or his family for the common necessities of life.

(2) Incurred for personal services rendered by any employee or former employee of the debtor.

(d) The court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an execution upon nonexempt earnings upon such basis as is just and equitable.

(e) Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all the creditors of the debtor who have levied an execution upon nonexempt earnings pursuant to this section.

SEC. 2. This act is declaratory of existing law.

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

Chapter 1684 of the 1971 Statutes, in part, amends Section 690.6 of, and adds Section 682.3 to, the Code of Civil Procedure. Subdivision (b) of Section 682.3 states an exemption claimed pursuant to Sections 690.6 and 690.50 of the Code of Civil Procedure "shall extend to any

wages withheld whether or not withheld after the claim of exemption is filed." The purpose of this provision was to permit a judgment debtor's claim of exemption to apply to all withholding done by an employer over the 90-day period of his writ of execution, as provided for in subdivision (a) of Section 682.3.

Subdivision (c) of Section 690.6 was amended to exempt, under certain conditions, all earnings of personal services of a judgment debtor rendered at any time within 30 days next preceding the levy of execution. Read literally, and in conjunction with Sections 682.3 and 690.50, a claim of exemption for all such earnings under subdivision (c) of Section 690.6 would only apply to the 30 days next preceding the levy of execution, and would not apply to subsequent withholdings by an employer during the 90 days following the levy of execution. This would be inconsistent with the purpose of subdivision (b) of Section 682.3.

This act amends Section 690.6 to remove any uncertainty as to its meaning. In order to prevent such uncertainty it is necessary that this act take effect immediately.

CHAPTER 44

An act to add Section 6454.5 to the Revenue and Taxation Code, relating to sales and use taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1972. Filed with
Secretary of State April 11, 1972.]

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

SECTION 1. Section 6454.5 is added to the Revenue and Taxation Code, to read:

6454.5. Notwithstanding any other provision of law, any person licensed or certificated pursuant to the Vehicle Code as a vehicle manufacturer, dealer or dismantler may credit against any taxes due under this part, Part 1.5 (commencing with Section 7200), and Part 1.6 (commencing with Section 7251), of Division 2 for any quarterly period any amounts which have been returned during that period to retail customers as excess sales tax reimbursement as the result of the refund to such customers of the federal excise tax on manufacturers, producers or importers of motor vehicles sold during the period August 16, 1971, through December 10, 1971.

Any person claiming such credit shall file with the quarterly return on which the credit is claimed a written statement that the amount credited has been returned to the customers and shall retain evidence that the amount was so returned. Such person shall also retain proof (1) as to the amount of federal excise tax refunded to the customer by the manufacturer, (2) that the vehicle was sold to

the purchaser to whom the federal excise tax was refunded, and (3) that the federal excise tax was included in the measure of sales taxes reported and paid to the State Board of Equalization.

This section shall have no further force or effect after after June 30, 1973 and is repealed at such time.

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

The facts constituting such necessity are:

Presently, automobile dealers are making refunds of sales tax to their customers receiving refunds of federal automobile excise taxes. The dealers are required to pay the sales tax refunds out of their own resources and then file a claim for reimbursement with the State Board of Equalization. This bill will permit automobile dealers to offset sales tax refunds now being made against current sales tax liability.

CHAPTER 45

An act making an appropriation in augmentation of Item 216 of the Budget Act of 1971, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1972. Filed with
Secretary of State April 14, 1972.]

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

SECTION 1. The sum of two million sixty-three thousand two hundred twenty-one dollars (\$2,063,221) is hereby appropriated from the General Fund for the purposes of element A of Schedule (c) III of Item 216 of the Budget Act of 1971, in augmentation of such element.

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

Serious disruptions in state correctional facilities are occurring with increasing frequency. In order to properly cope with such disruptions and alleviate the grave consequences that attend upon such disruptions, it is vital to immediately improve upon the number of security personnel in state correctional facilities. It is therefore necessary that this act go into immediate effect.

CHAPTER 46

An act to amend Sections 21457, 21706, and 21959 of the Vehicle Code, relating to vehicles.

[Approved by Governor April 20, 1972 Filed with
Secretary of State April 20, 1972.]

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

SECTION 1. Section 21457 of the Vehicle Code is amended to read:

21457. Whenever a flashing red or yellow signal is used in an official traffic control device, it shall require obedience by vehicular traffic as follows:

(a) When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and if there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway. The right to proceed shall be subject to the rules provided in Section 21802.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

SEC. 2. Section 21706 of the Vehicle Code is amended to read:

21706. No motor vehicle, except an authorized emergency vehicle, shall follow within 300 feet of any authorized emergency vehicle being operated under the provisions of Section 21055.

This section shall not apply to a police or traffic officer when serving as an escort within the purview of Section 21057.

SEC. 3. Section 21959 of the Vehicle Code is amended to read:

21959. It is unlawful for any person to ski or toboggan on or across any roadway in such a manner as to interfere with the movement of vehicles thereon. A person on skis proceeding on or across a highway at a pace no greater than a walk is not within the prohibition of this section and shall be considered to be a pedestrian with all the rights and duties thereof as prescribed in this code.

CHAPTER 47

An act to add Section 1906.1 to the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 20, 1972. Filed with
Secretary of State April 20, 1972.]

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

SECTION 1. Section 1906.1 is added to the Education Code, to read:

1906.1. When a school district is lapsed pursuant to the provisions of Article 1 (commencing with Section 2701) of Chapter 7 of this division and ordered by the county board of supervisors annexed to an adjoining district, authorized but unsold bonds of the annexing district may be issued by the board of supervisors in the name of the annexing district to the same extent as though the territory of the lapsed district had formed a part of the annexing district on the date the bonds were authorized. The proceeds derived from the sale of such bonds shall be used only for the purpose or purposes for which the bonds were voted and for the benefit of the entire territory of the district following the annexation. The territory so annexed shall assume its proportionate share of the bonded indebtedness resulting from the sale of such previously authorized but unsold bonds.

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

A school district which has authorized but unsold bonds and as the result of lapsation and annexation of an adjoining school district is forced to assume the burdens of educating children of the annexed district cannot sell those bonds in an amount determined by including the assessed valuation of the annexed territory and that territory will not assume its share of the resulting indebtedness even though it will share equally in the benefits derived from the proceeds of the sale. In order that the bonds of school districts in this situation may be sold at the earliest possible time so as to provide required educational facilities, it is essential that this act take immediate effect.

CHAPTER 48

An act to add Section 40 to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 21, 1972. Filed with
Secretary of State April 21, 1972.]

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

SECTION 1. Section 40 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 40. (a) Whenever the board deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness, the board shall by resolution declare that it intends to form an improvement district of a portion of the agency which in its opinion will be benefited.

(b) The resolution of intention shall also state:

(1) The purpose for which the proposed improvement district is to be formed.

(2) The estimated expense of carrying out such purpose.

(3) That taxes for carrying out such purpose will be levied exclusively upon the taxable property, other than personal property, in the proposed improvement district.

(c) The resolution of intention shall also state that a map showing the exterior boundaries of the proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

(d) The resolution of intention shall also state:

(1) The time and place for a hearing by the board on the questions of the formation and extent of the proposed improvement district, the purpose for which it is to be formed, and the estimated expense of carrying out such purpose.

(2) That at such time and place any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(e) Notice of the hearing shall be given by publishing a copy of the resolution of intention, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed improvement district for at least two weeks before the time fixed for the hearing.

(f) At the time and place so fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested,

including any person owning property in the agency or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution of intention. If written protests are filed by the owners of one-half of the value of the property, other than personal property, within the proposed improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken.

(g) At the conclusion of the hearing, the board shall by resolution determine whether it is necessary to form the improvement district. If so, the resolution shall also state:

(1) The purpose for which the proposed improvement district is to be formed.

(2) The estimated expense of carrying out such purpose.

(3) That the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(4) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Mojave Water Agency."

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

(i) After the formation of the improvement district pursuant to this section, all taxes levied for the carrying out of its purpose shall be levied exclusively upon the taxable property, other than personal property, in the improvement district.

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

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

(k) If a petition signed by not less than 10 percent of the voters of the proposed improvement district requesting that an election be held on the formation thereof is presented to the board before the effective date of the resolution of formation, the board shall by resolution call a special election in the proposed improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of the proposed improvement district.

(l) The board shall provide for holding the special election on the day fixed in the resolution calling the election and in accordance with the provisions of the Elections Code so far as they shall be applicable, except as otherwise provided in this act.

(m) Notice of the holding of the special election shall be given by publishing the resolution calling the election, pursuant to Section 6066 of the Government Code, prior to the date of the proposed

election in at least one newspaper printed and published in the Mojave Water Agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the proposed improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(n) The returns of the special election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this act.

(o) The secretary, as soon as the result of the special election is declared, shall enter in the records of the board a statement of such results.

(p) If from the special election returns it appears that a majority of the votes cast at such election were in favor of the formation of the improvement district, the formation of the improvement district shall be complete.

(q) No irregularities or informalities in conducting the special election shall invalidate it, if the election has otherwise been fairly conducted.

(r) Any action or proceeding in which the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the effective date of the resolution of formation, or if an election is held, within three months from the date of such election; otherwise the formation of the improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(s) The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this section.

(t) The board may, in the formation of the improvement district, provide that the agency shall be repaid for any advance of funds, with interest at a rate not to exceed the interest value of money to the agency, from the taxes levied exclusively upon the taxable property, other than personal property, in the improvement district.

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

In order to maintain the health, welfare, and safety of the residents, property owners, taxpayers and water users within the Mojave Water Agency, it is necessary to provide a vehicle by which the people in the area to be benefited may raise the funds necessary to conduct essential studies qualifying that community for grants under the Federal Water Pollution Control Act and the California Clean Water Bond Act for the purpose of constructing facilities within the agency adequate to treat the wastes generated in a particular area within the agency.

CHAPTER 49

An act to add Section 6.6 to the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District.

[Approved by Governor April 25, 1972. Filed with Secretary of State April 25, 1972.]

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

SECTION 1. Section 6.6 is added to the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), to read:

Sec. 6.6. The district, by resolution, may fix, on or before the first day of July in any calendar year, a water standby or availability charge within any zone of the district to which water is made available by the district through underground or by surface facilities, whether the water is actually used or not, except that such charge shall not apply to lands permanently dedicated exclusively to public transportation of persons or property. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within any zone of the district or ten dollars (\$10) per year for any parcel of less than one acre. The resolution fixing a standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established and after notice and hearing in the manner prescribed in the District Reorganization Act of 1965 (commencing with Section 56000 of the Government Code). The resolution fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in July, the board shall furnish in writing to the board of supervisors and the county auditor of the county a description of each parcel of land, by official county assessor's parcel number, within the district upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect district standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected and shall be paid to

the district. Such charges fixed by the district shall be a lien on all the property benefited thereby. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

CHAPTER 50

An act to amend Section 37150 of, and to add Chapter 7 (commencing with Section 37175) to Part 7 of Division 13 of, the Water Code, relating to water districts.

[Approved by Governor April 25, 1972. Filed with Secretary of State April 25, 1972.]

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

SECTION 1. Section 37150 of the Water Code is amended to read:

37150. Property sold to the district for delinquent assessments may be redeemed by the redemptioner within three years from the date of sale, or thereafter before a collector's deed of the property has been delivered, by payment in lawful money of the United States to the collector the sum of the following:

(a) The amount for which the property was sold, together with interest thereon at the rate of 9 percent per year from the date of sale, but not less than three-fourths of 1 percent for any portion of a month.

(b) The amount of assessments against the property, with the delinquent penalties thereon, assessed subsequent to sale, together with interest on such assessments as are delinquent and the penalties thereon at the rate of 9 percent per year from the date of delinquency, but not less than three-fourths of 1 percent for any portion of a month.

(c) The amount of the recorder's fees in recording the certificate of sale and the certificate of redemption.

(d) The costs of publication of notice as required by Section 36951.

As used in this section, the "redemptioner" is the person whose estate has been sold, or his successor in interest.

SEC. 2. Chapter 7 (commencing with Section 37175) is added to Part 7 of Division 13 of the Water Code, to read:

CHAPTER 7. OPTIONAL PROVISIONS FOR INSTALLMENT REDEMPTION

37175. This chapter provides an optional provision for the redemption, on an installment plan, of property sold to the district for delinquent assessments. The board may at any time, by resolution, elect to permit the redemption of property sold to the

district for delinquent assessments according to the provisions of this chapter. The board may at any time thereafter, by further resolution, terminate such election, but no such termination shall affect a redemption plan then in effect.

37176. As used in this chapter:

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

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

(c) "Redemptioner" is the person whose estate has been sold, or his successor in interest.

37177. During such time as the provisions of this chapter are effective in the district pursuant to a resolution adopted under authority of Section 37175, any person may elect to pay delinquent assessments in installments under this chapter at any time before a collector's deed of the property has been delivered, except that if payment of delinquent assessments has been started under this chapter and the amount required to be paid in any fiscal year is not paid as required by this chapter, payment in installments may not again be started with respect to the same delinquent assessments.

37178. During the time payments are made under this chapter, there shall not be:

(a) Delivery of a collector's deed.

(b) Any termination of the right of redemption.

37179. Election to pay delinquent assessments in installments is made by payment, in the same manner as a redemption, of 33⅓ percent, or more, of the redemption amount. All current assessments, with penalties thereon, due or coming due for the fiscal year in which this first payment is made shall be paid before the delinquency date of the last installment of current assessments, except that if the election to pay delinquent assessments in installments is made on or after the delinquency date of the last installment of current assessments for any fiscal year, the current assessments, with penalties thereon, shall be paid with or prior to the installment payment.

37180. In each succeeding fiscal year, the redemptioner shall pay all current assessments and penalties coming due in that fiscal year before the delinquency date of the last installment of current assessments.

37181. In each succeeding fiscal year, the redemptioner shall pay, before the delinquency date of the last installment of current assessments, the sum of the following:

(a) That amount which is computed to be not less than the difference between the amounts previously paid under the provisions of this chapter, excepting amounts paid as interest, and:

(1) $66\frac{2}{3}$ percent of the redemption amount when the payment is made during or prior to the first fiscal year following the year in which election was made to pay delinquent assessments in installments.

(2) 100 percent of the redemption amount when the payment is made during or prior to the second fiscal year following the year in which election was made to pay delinquent assessments in installments.

(b) Interest, computed at the rate of three-fourths of 1 percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

Payments under this section shall be computed and paid in the same manner as a redemption, and the receipts for such payment shall show that the payments are for the use of the real estate under this plan for payment of delinquent assessments in installments.

37182. If all payments are not made on or before the dates prescribed, a collector's deed of the property may be delivered and the right of redemption may be terminated in the same manner as if no election to pay delinquent assessments in installments had been made.

37183. Payments under this chapter are not a redemption or partial redemption and do not affect the district's interest in the real estate. The payments are compensation for the use of the real estate.

37184. If all payments under this chapter are made as prescribed and if redemption of the property is made before the delinquency date of the last installment of current assessments in the second fiscal year succeeding the fiscal year when the first payment was made, the amount necessary to redeem the property is the balance of the redemption amount with interest on such balance three-fourths of 1 percent accruing on the first day of each month following the last preceding payment to the date of redemption. When redemption is made under this section, no credit shall be allowed for amounts previously paid or credited.

37185. The redemption certificate for a redemption under this chapter shall show the following:

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

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

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

37186. Excepting as provided in this chapter, the redemption shall be made in the manner provided by Chapter 6 (commencing with Section 37150) of this part.

CHAPTER 51

An act to amend Section 2369 of the Fish and Game Code, relating to clams.

[Approved by Governor April 25, 1972 Filed with
Secretary of State April 25, 1972]

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

SECTION 1. Section 2369 of the Fish and Game Code is amended to read:

2369. Pismo clams taken outside this state may be imported into this state when accompanied by a United States customhouse entry certificate showing their place of origin, and a certificate or clearance from the responsible governmental agency to the effect that such shipment was made in compliance with the laws and regulations of the place or country of origin. Such pismo clams may be canned and shipped outside this state.

The commission may prescribe regulations governing the inspection and marking of pismo clams imported into this state. The cost of such inspection and marking shall be paid by the importer of the pismo clams.

 CHAPTER 52
An act to amend Section 76033 of the Government Code, relating to counties.

[Approved by Governor April 25, 1972 Filed with
Secretary of State April 25, 1972.]

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

SECTION 1. Section 76033 of the Government Code, as amended by Chapter 1204 of the Statutes of 1971, is amended to read:

76033. In a county of the 33rd class, trial jurors in the superior court shall receive for each day's attendance, six dollars (\$6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars (\$3). Each trial juror shall receive mileage at the rate of seven cents (\$.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

Grand jurors shall receive for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars (\$6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury

business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of ten cents (\$.10) each way for every mile actually and necessarily traveled. Such claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 53

An act to amend Section 8046 of the Fish and Game Code, relating to fish-handling privilege taxes.

[Approved by Governor April 25, 1972 Filed with
Secretary of State April 25, 1972]

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

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents (\$.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1974.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 54

An act to add Section 14670.3 to the Government Code, relating to the letting of state property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1972 Filed with
Secretary of State April 25, 1972]

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

SECTION 1. Section 14670.3 is added to the Government Code, to read:

14670.3. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 55 years, real property not exceeding five acres located within the grounds of the Fairview State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state that the original purposes of the lease are being carried out.

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for an initial capital outlay by the lessee of thirty thousand dollars (\$30,000) prior to January 1, 1976. Such capital outlay may be, or may have been, contributed before or after the effective date of the act adding this section.

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

Federal law requires that prior to federal funding for construction of a building to be used for assisting the mentally retarded, the organization which is to construct the building shall have a lease of the land upon which the building is to be constructed. It is therefore imperative that the lease involved in this act be authorized at the earliest possible date so that construction of the urgently needed buildings may be financed and begun at the earliest possible time.

CHAPTER 55

An act to amend Section 27257 of the Government Code, relating to recorder's indices.

[Approved by Governor April 25, 1972. Filed with Secretary of State April 25, 1972.]

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

SECTION 1. Section 27257 of the Government Code, as amended by Chapter 191, Statutes of 1971, is amended to read:

27257. Instead of those indices indicated in this division, the recorder may utilize either of the following systems of indexing:

(a) The recorder may keep two indices, labeled respectively: "General index of grantors" (names of grantors, defendants, and first parties, who would otherwise be indexed in any of the other indices

specified in this article) and "General index of grantees" (names of grantees, plaintiffs, and second parties, who would otherwise be indexed in any of the other indices specified in this article). Each page of the general index of grantors shall be divided into seven columns, labeled respectively: "Date filed," "Grantors and defendants," "Grantees and plaintiffs," "Title," "Document number," "Book," and "Page." Each page of the general index of grantees shall be divided into seven columns, labeled respectively: "Date filed," "Grantees and plaintiffs," "Grantors and defendants," "Title," "Document number," "Book," and "Page"; or

(b) The recorder may combine the general index of grantors and the general index of grantees into a single index which shall alphabetically combine the grantors and grantees as defined in subdivision (a). Each page of the "General grantor-grantee index" shall be divided into seven columns, labeled respectively: "Date filed," "Grantors-grantees," "Grantees-grantors," "Title," "Document number," "Book," and "Page." Where such a combined index is used, the names of the grantors shall be distinguished from the names of the grantees, as respectively defined in subdivision (a), by an easily recognizable mark or symbol.

Indexing as enumerated in subdivisions (a) and (b) above may be in lieu of indexing in any of the other indices, and shall impart notice in like manner and effect as the indexing would otherwise impart in the other indices provided for in this division. If the recorder keeps any other index, he shall not be required to index those names in the general index as enumerated in subdivisions (a) and (b) above. Nothing in this section shall prevent the recorder from indexing any names which also appear in any other of his indices.

Where the method of subdivision (a) or (b) is utilized, and in those counties where the recorder alphabetizes grantors' and grantees' names by mechanical methods, fewer columnar headings may be used in the indices, if adequate index reference to the location of each document in the permanent file, book, or film record is provided.

The alphabetical subdivisions in each of the general indices shall be so arranged, as nearly as possible, that the entries to be made in the indices will be equally apportioned. The alphabetical subdivisions shall be sufficient in number to facilitate reference.

The recorder may keep in the same volume any two or more of the indices enumerated in this article, and the several indices shall be kept distinct from each other and the volume distinctly marked on the outside so as to show all the indices kept in it, provided that nothing in this section shall prohibit the recorder from combining the general indices in one volume as enumerated in subdivision (b). The names of the parties in the first column in the several indices shall be arranged in alphabetical order.

CHAPTER 56

An act to amend Section 554 of the Education Code, relating to educational programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1972 Filed with
Secretary of State April 25, 1972]

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

SECTION 1. Section 554 of the Education Code is amended to read:

554. The Board of Governors of the State Nautical School on behalf of the State Nautical School, the governing board of a school district on behalf of any school or community college maintained by the district, and any county superintendent of schools is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress known as the "National Defense Education Act of 1958" (P.L. 85-864; 72 Stat. 1580), by the act of Congress known as the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), by the act of Congress known as the "Elementary and Secondary Education Act of 1965" (P.L. 89-10; 79 Stat. 27), by the act of Congress known as the "Manpower Development and Training Act of 1962" (P.L. 87-414; 76 Stat. 23), including but not limited to the "JOBS program" (Job Opportunities in the Business Sector), by the act of Congress known as the "Education Professions Development Act of 1965" (P.L. 89-329; 79 Stat. 1254), by the act of Congress known as the "Demonstration Cities and Metropolitan Development Act of 1966" (P.L. 89-754; 80 Stat. 1259), by the act of Congress known as the "Omnibus Crime Control and Safe Streets Act of 1968" (P.L. 90-351; 82 Stat. 197), by the act of Congress known as the "Intergovernmental Personnel Act of 1970" (P.L. 91-648; 84 Stat. 1909), and by the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54), and by acts amending or supplementing those acts, and with all necessary power and authority to cooperate with, or enter into agreements with, the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private or public nonprofit organizations for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, in accordance with said acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said acts of Congress. Participation may also include the expenditure by the governing board of the State Nautical School, by the governing board of any school district, or the county superintendent of schools of whatever funds may be required by the federal government as a condition to such participation.

Participation in the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54) may be undertaken notwithstanding the provisions of Section 13277 of this code.

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

In order to permit school districts to participate in the programs authorized pursuant to the Intergovernmental Personnel Act of 1970, and to permit such participation during the remainder of the 1971-1972 school year, it is necessary that this act take effect immediately.

CHAPTER 57

An act to add Article 10 (commencing with Section 72450) to Chapter 8 of Title 8 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1972 Filed with
Secretary of State April 26, 1972]

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

SECTION 1. Article 10 (commencing with Section 72450) is added to Chapter 8 of Title 8 of the Government Code, to read:

Article 10. Traffic Trial Commissioners

72450. A municipal court, with the approval of the Chairman of the Judicial Council, or the Chairman of the Judicial Council, with the approval of the court, may appoint a traffic trial commissioner and a supporting staff, consisting of a deputy clerk and secretary, to serve, at the pleasure of the appointing authority, one or more municipal courts as a commissioner, deputy clerk, and secretary, respectively, in the court to which he is appointed.

72451. Each traffic trial commissioner appointed pursuant to this article shall have the qualifications of a judge of the municipal court and receive a monthly salary in the same sum as is paid a commissioner in the Los Angeles Municipal Court District. The deputy clerk and secretary in the supporting staff shall receive a monthly salary in the same sum as is paid similar employees having comparable duties in the court in which they serve not to exceed the salary payable to a deputy clerk grade IV and deputy clerk, judicial secretary in the top step, in the Los Angeles Municipal Court District. The salaries and expenses of a traffic trial commissioner and his staff appointed pursuant to this article shall be paid or reimbursed by the appointing authority from federal funds granted to it for this purpose.

SEC. 2. This act shall remain in effect until December 31, 1973, and as of that date is repealed.

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

Federal funds have been made available to the Judicial Council, and such funds are also available for grants to individual courts some of which have applications pending for such funds, with which to conduct pilot projects with respect to the disposition of traffic offenses under applicable state law. In order to provide that the pilot projects commence forthwith and be completed prior to January 1, 1974, it is necessary that this act take effect immediately.

CHAPTER 58

An act to amend Section 8213 of the Government Code, relating to recording fees.

[Approved by Governor April 28, 1972. Filed with
Secretary of State April 28, 1972]

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

SECTION 1. Section 8213 of the Government Code, as amended by Chapter 1460 of the Statutes of 1971, is amended to read:

8213. No later than 20 days after the beginning of the term prescribed in his commission, every person appointed a notary public shall file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk of the county within which he maintains his principal place of business as shown in the application submitted to the Secretary of State, and the commission shall not take effect unless this is done within the 20-day period. Upon filing the oath and bond, the county clerk shall forthwith transmit to the Secretary of State his certificate setting forth the fact of such filing and containing a copy of the official oath, signed by the notary with his own proper signature, and shall forthwith deliver the bond to the county recorder for recording.

If he transfers his principal place of business from one county to another, he may file a new oath of office and bond, or a duplicate of the original bond with the county clerk to which he transfers. In such a case, the same filing and recording fees are applicable as in the case of the original filing and recording of the bond. Promptly after the filing with the county clerk of the county to which he transfers, the notary public shall cause his old seal to be altered, or shall obtain a new seal, and such altered or new seal shall include the name of the county to which he transfers.

A recording fee of three dollars (\$3) shall be paid by the person appointed a notary public. Said fee may be paid to the county clerk who shall transmit it to the county recorder.

The county recorder shall record the bond and return it to the county clerk who shall keep the bond for one year following the expiration of the term of the commission for which the bond was issued after which said bond may be disposed of. Such disposition shall not affect the time for commencement of actions on the bond. A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements and attachments, may be read in evidence with like effect as the original thereof, without further proof.

CHAPTER 59

*An act to amend Section 13954 of the Health and Safety Code,
relating to fire protection districts.*

[Approved by Governor April 28, 1972 Filed with
Secretary of State April 28, 1972]

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

SECTION 1. Section 13954 of the Health and Safety Code is amended to read:

13954. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually

agreeable basis for the distribution of the property and assets of the district is reached within the six-month period, on the date the district ceases to furnish fire protection service to the area withdrawn or upon the end of the six-month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five-year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

For the purpose of determining the application of the provisions for apportioning the assets of a fire protection district pursuant to this section between a district and a city which has withdrawn territory of the district pursuant to Section 13952, separate annexations may not be aggregated and each annexation shall be considered as separately withdrawn.

CHAPTER 60

An act to amend Section 4759 of the Fish and Game Code, relating to bears.

[Approved by Governor April 28, 1972. Filed with Secretary of State April 28, 1972.]

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

SECTION 1. Section 4759 of the Fish and Game Code is amended to read:

4759. The skin or hide of any bear lawfully taken and possessed for the period provided in Section 4757, may be tanned for personal use only. Notwithstanding the provision of Section 4757, skins or hides of bear lawfully taken may be donated any time to veterans' organizations or veterans' service committees for use by veterans for rehabilitation purposes. The donor shall obtain a receipt which shall

be attached to the ears of the bear from which the skin was taken for retention during the period stipulated by Section 4757.

CHAPTER 61

An act to amend Section 22520 of the Vehicle Code, relating to freeways.

[Approved by Governor May 2, 1972. Filed with
Secretary of State May 2, 1972.]

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

SECTION 1. Section 22520 of the Vehicle Code, as amended by Chapter 467 of the Statutes of 1971, is amended to read:

22520. No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When required by law or in obedience to a peace officer or official traffic control device.

(c) Any person actually engaged in maintenance or construction on freeway property or any employee of a public agency actually engaged in the performance of official duties.

(d) Any vehicle which is so disabled that it is impossible to avoid temporarily stopping and any vehicle which has been summoned to render assistance to a vehicle or person, including a vehicle owned by the donor of free emergency assistance, which has been summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.

(e) In locations where stopping, standing or parking is specifically permitted; provided, however, that buses may not stop on freeways unless sidewalks are provided with shoulders of sufficient width to permit stopping without interfering with the normal movement of traffic and without the possibility of crossing over fast lanes to reach the bus stop.

(f) Any person reporting a traffic accident or other situation or incident to a peace officer or any person specified in subdivision (c), either directly or by means of an emergency telephone or similar device.

CHAPTER 62

An act to add Section 17538.5 to the Business and Professions Code, relating to advertising.

[Approved by Governor May 2, 1972 Filed with
Secretary of State May 2, 1972]

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

SECTION 1. Section 17538.5 is added to the Business and Professions Code, to read:

17538.5. It is unlawful in the sale or offering for sale of consumer goods for any person conducting a mail order or catalog business in this state and utilizing a post office box address to fail to disclose the legal name under which business is done and the complete street address from which business is actually conducted in all advertising and promotional materials, including order blanks and forms.

CHAPTER 63

An act to amend Section 15525.5 of the Corporations Code, relating to limited partnerships, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1972. Filed with
Secretary of State May 2, 1972.]

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

SECTION 1. Section 15525.5 of the Corporations Code is amended to read:

15525.5. Notwithstanding the provisions of paragraph (b) of subdivision (1) of Section 15525, if the partnership certificate permits, the writing to amend the certificate may be signed, personally or by attorney in fact, by a general partner and by the member to be substituted or added in the case of an amendment substituting a limited partner or adding a limited or general partner and shall be signed, personally or by attorney in fact, also by the assigning limited partner when a limited partner is to be substituted, and if the amendment reflects the retirement, death or insanity of a general partner, and the business is continued under Section 15520, the amendment may be signed by any general partner, personally or by attorney in fact.

SEC. 2. The amendment of Section 15525.5 of the Corporations Code made by the 1972 Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within

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

A question has arisen concerning the manner of satisfying certain signature requirements with respect to amendments of partnership certificates covered by the Uniform Limited Partnership Act. In order to resolve this question at the earliest possible time and therefore promote the orderly and uniform application of that act, it is necessary that this legislation take effect immediately.

CHAPTER 64

An act to amend Section 22105 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 2, 1972. Filed with Secretary of State May 2, 1972.]

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

SECTION 1. Section 22105 of the Vehicle Code is amended to read:

22105. No person shall make a U-turn upon any highway where the driver of such vehicle does not have an unobstructed view for 200 feet in both directions along the highway and of any traffic thereon.

CHAPTER 65

An act to add Article 10 (commencing with Section 47031) to Chapter 18 of Division 17 of the Agricultural Code, relating to citrus fruit, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1972. Filed with Secretary of State May 2, 1972.]

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

SECTION 1. Article 10 (commencing with Section 47031) is added to Chapter 18 of Division 17 of the Agricultural Code, to read:

Article 10. Exceptions to Quality Standards

47031. This chapter does not prohibit any person from transporting citrus fruit that fails to meet the quality standards of this chapter for processing to byproducts within the state or to a neighboring citrus fruit growing state under a permit issued pursuant to this article by the director.

47032. The director shall adopt such regulations as he deems necessary for the issuance of the permit to insure that all such citrus fruit which is transported within the state or to a neighboring citrus fruit growing state for processing to byproducts shall be used only for such purpose.

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

The current citrus fruit crop has been damaged by weather conditions. In order to permit the use of such crop under the provisions of this act during the current marketing season, it is necessary that these provisions become effective immediately.

CHAPTER 66

An act to add Section 24045.2 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 1972. Filed with
Secretary of State May 5, 1972.]

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

SECTION 1. Section 24045.2 is added to the Business and Professions Code, to read:

24045.2. (a) The department may issue a special temporary retail package off-sale beer and wine license to a television station, supported wholly or in part by public membership subscription, which is a nonprofit, charitable corporation exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States. An applicant for such a license shall accompany the application with a fee of one hundred dollars (\$100).

(b) Such a license shall only entitle the licensee to sell at auction beer and wine donated to it; however, no such beer or wine shall be sold at less than the minimum retail price therefor, established pursuant to provisions of this division. Notwithstanding any other provision of this division, licensees may donate beer, wine, or both beer and wine, to a corporation licensed under this section, provided such donations are not made in connection with a sale of an alcoholic beverage.

(c) Such a license shall be for a period not exceeding 30 days. Only one such license shall be issued to any corporation in any 12-month period.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

Member-supported public television stations serve a vital role in their telecasting areas. Many of these stations traditionally solicit financial support by means of annual auctions at which goods and services donated to the station are sold to members of the viewing audience. In order to enable stations to be licensed to sell donated beverages at auctions to be held in the spring of 1972, it is necessary that this act take effect immediately.

CHAPTER 67

An act to amend Section 1505 of the Fish and Game Code, relating to fish and game management.

[Approved by Governor May 12, 1972. Filed with
Secretary of State May 12, 1972.]

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

SECTION 1. Section 1505 of the Fish and Game Code, as amended by Chapter 1405 of the Statutes of 1971, is amended to read:

1505. In addition to any other powers vested in the department, it may manage, control and protect such portions of the following spawning areas which occupy state-owned lands to the extent necessary to protect fishlife in these areas. In the event of any conflict under this section with the action of another department or agency of the state or any other public agency, the action of the Department of Fish and Game taken pursuant to this section shall prevail except for: (a) action of the State or Regional Water Pollution Control Boards in establishing waste discharge requirements, (b) action as required for commerce and navigation, (c) action by public agencies reasonably necessary for bridge crossings, water conservation or utilization, or flood protection projects, including the construction, maintenance, and operation thereof. The exceptions in subdivision (c) shall not extend to the depositing of materials, other than necessary structural materials, in, or the removing of materials from the streambeds in the areas designated in this section, other than as necessary for the installation of structures. These areas are:

The Sacramento River between Keswick and Squaw Hill Bridge, near Vina.

The Feather River between Oroville and the mouth of Honcut Creek.

The Yuba River between Englebright Dam and a point approximately four miles east of Marysville.

The American River between Nimbus Dam and a point one mile downstream from Arden Way.

The Mokelumne River between Pardee Dam and Lockeford.

The Stanislaus River between Goodwin Dam and Riverbank.

The Tuolumne River between La Grange Dam and the Waterford Bridge.

The Merced River between Crocker Huffman Dam and Cressey.

The Trinity River between Lewiston Dam and the confluence of the North Fork Trinity, near Helena.

The Eel River, from Fort Seward to Lake Pillsbury.

The South Fork Eel River, from Benbow Dam to its source.

The Middle Fork Smith River, from its mouth to Knopti Creek.

The South Fork Smith River, from its mouth to Harrington Creek.

The Salmon River, from its mouth to Rush Creek on the South Fork Salmon River, to Carter Meadow on the east fork of the South Fork Salmon River, and to Finley Camp on the North Fork Salmon River.

The Battle Creek, from its mouth to Coleman Powerhouse.

The Cosumnes River, from Meiss Road Bridge to Latrobe Road Bridge.

The Van Duzen River, from Yager Creek to the falls 1½ miles above Bloody Run Creek.

The Mad River, from Blue Lake Bridge to Bug Creek.

Until ownership of any land in these areas has been legally determined, the director shall disapprove any stream alterations of any prime salmon and steelhead spawning areas when in his opinion such alterations would prove deleterious to fishlife.

CHAPTER 68

An act to amend Section 5 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara County Flood Control and Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1972. Filed with
Secretary of State May 12, 1972.]

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

SECTION 1. Section 5 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract,

condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of water used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into

said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the district or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of

conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act; and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the district and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the district for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of

the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-half cent (\$.005) for each one hundred dollars (\$100) of assessed valuation of such district.

14. To pay to any city, public agency, district, or educational institution recognized under Division 21 (commencing with Section 29001) of the Education Code, a portion of the cost of water imported by such city, public agency, district, or educational institution into, for use within, and of benefit to the Santa Clara County Flood Control and Water District.

15. To establish designated floodways in accordance with the provisions of the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400), Part 2, Division 5 of the Water Code).

16. To acquire, construct, maintain, operate and install landscaping or recreational facilities in connection with any dam, reservoir, or other works owned or controlled by the district.

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

Ground water supplies within the Santa Clara County Flood Control and Water District are critically endangered by excessive pumping by water users within the district. The importation of water into the district must be increased at the earliest possible time if sufficient water supplies are to be available to meet urgent needs for water within the district and the water table within the district is not to be drastically lowered. This act would encourage water users within the district to import water into the district and thereby help to protect ground water supplies within the district from excessive pumping. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 69

An act to add Section 13520.05 to the Education Code, relating to school employees' salaries.

[Approved by Governor May 12, 1972. Filed with Secretary of State May 12, 1972.]

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

SECTION 1. Section 13520.05 is added to the Education Code, to read.

13520.05. Notwithstanding the provisions of Section 13520, the governing board of a school district may adopt an alternative method of computing the salary received by a person requiring certification qualifications who serves less than a full school year.

Such method shall include the deduction from the employee's regular salary of only that amount actually paid to a substitute or, if a substitute is not employed, the amount which would have been paid to a substitute had a substitute been employed.

For the purposes of this section, the amount which would have been paid to a substitute is that amount established by the district in a published salary schedule for substitute employees.

Such alternative method shall only be applied upon authorization by the school board based upon individual employee application and shall be limited to no more than five days per school year for each employee.

CHAPTER 70

An act relating to the destruction of authorized state bonds.

[Approved by Governor May 12, 1972. Filed with
Secretary of State May 12, 1972.]

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

SECTION 1. Notwithstanding any other provision of law, the total amount of bonds authorized to be issued and sold by Chapter 407 of the Statutes of 1909 is hereby reduced from \$1,000,000 to \$853,000 and any of the bonds not heretofore sold may be destroyed at the discretion of the State Treasurer.

SEC. 2. Notwithstanding any other provision of law, the total amount of bonds authorized to be issued and sold by Chapter 602 of the Statutes of 1913 is hereby reduced from \$10,000,000 to \$9,450,000 and any of the bonds not heretofore sold may be destroyed at the discretion of the State Treasurer.

CHAPTER 71

An act to add Section 54932.1 to the Government Code, relating to city annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1972. Filed with
Secretary of State May 12, 1972.]

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

SECTION 1. Section 54932.1 is added to the Government Code, to read:

54932.1. Notwithstanding any other provision of this chapter, any annexation to a city that was approved by such city's legislative body

on or before September 21, 1971, if it otherwise qualifies, shall be effective for assessment and taxation purposes for the 1972-1973 fiscal year if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before March 1, 1972.

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

Unless this act takes effect immediately, a city which has annexed territory and otherwise qualifies to levy taxes in the territory except for a procedural filing defect will not be able to levy taxes in the annexed territory for 1972-1973 fiscal year to cover the cost of services being furnished the territory.

CHAPTER 72

An act to amend Section 20800 of the Education Code, relating to school district taxes.

[Approved by Governor May 12, 1972 Filed with
Secretary of State May 12, 1972.]

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

SECTION 1. Section 20800 of the Education Code is amended to read:

20800. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Article 4 (commencing with Section 5950) of Chapter 6 of Division 6 and Article 1 (commencing with Section 6500) of Chapter 7 of Division 6, as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents (\$.05) per each one hundred dollars (\$100) of the assessed value of property within an elementary or high school district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a high school district having one or more component elementary school districts, none of which elementary school districts has increased the maximum tax rate as herein authorized, the increase provided by this section shall not exceed ten cents (\$.10) per each one hundred dollars (\$100) of the assessed value of property within such high school district, and said increase shall be

in addition to any other school district tax authorized by law to be levied by such high school district.

In a unified school district the increase provided by this section shall not exceed ten cents (\$.10) per each one hundred dollars (\$100) of the assessed value of property within the district if the district maintains one or more elementary schools and high schools, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized by Article 4 (commencing with Section 5950) of Chapter 6 of Division 6 or Article 1 (commencing with Section 6500) of Chapter 7 of Division 6, provided, however, that a district may accumulate from year to year any unencumbered balance derived from the tax levied under this section so long as the accumulated money is ultimately expended for a purpose authorized by Article 4 (commencing with Section 5950) of Chapter 6 of Division 6 or Article 1 (commencing with Section 6500) of Chapter 7 of Division 6.

SEC. 2. All actions taken pursuant to Section 20800 of the Education Code, with respect to levy of a school district tax on behalf of any high school district for the 1971-1972 fiscal year for the purposes of Article 4 (commencing with Section 5950) of Chapter 6 of Division 6 of the Education Code or Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of the Education Code, or both, at a rate in excess of five cents (\$.05), but less than ten cents (\$.10), per each one hundred dollars (\$100) of the assessed value of property within the district, in order to meet budgeted expenditures for such purposes during the 1971-1972 fiscal year, are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

CHAPTER 73

An act to amend Section 472 of, and to repeal and add Section 471.5 of, the Code of Civil Procedure, relating to pleading, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1972 Filed with
Secretary of State May 15, 1972]

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

SECTION 1. Section 471.5 of the Code of Civil Procedure, as added by Chapter 244 of the Statutes of 1971, is repealed.

SEC. 2. Section 471.5 is added to the Code of Civil Procedure, to read:

471.5. (a) If the complaint is amended, a copy of the amendments shall be filed, or the court may, in its discretion, require the complaint as amended to be filed, and a copy of the amendments or amended complaint must be served upon the defendants affected thereby. The defendant shall answer the amendments, or the complaint as amended, within 30 days after service thereof, or such other time as the court may direct, and judgment by default may be entered upon failure to answer, as in other cases. For the purposes of this subdivision, "complaint" includes a cross-complaint, and "defendant" includes a person against whom a cross-complaint is filed.

(b) If the answer is amended, the adverse party has 10 days after service thereof, or such other time as the court may direct, in which to demur to the amended answer.

SEC. 3. Section 472 of the Code of Civil Procedure is amended to read:

472. Any pleading may be amended once by the party of course, and without costs, at any time before the answer or demurrer is filed, or entered in the docket, or after demurrer and before the trial of the issue of law thereon, by filing the same as amended and serving a copy on the adverse party; provided, that in justice courts when the pleading is oral, the amendment may be oral, the substance thereof being entered in the docket, and the time in which the adverse party must respond thereto shall be computed from the date of notice of such amendment.

SEC. 4. This act shall become operative on July 1, 1972, and applies to actions commenced on or after July 1, 1972.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 244 of the Statutes of 1971 added Section 471.5 to the Code of Civil Procedure. Section 471.5 is the same as former Section 432 of the Code of Civil Procedure, which was repealed by Chapter 244, except that the time to answer an amended complaint was increased from 10 to 30 days. No conforming amendment was made to Section 472 of the Code of Civil Procedure. Section 471.5 will become operative on July 1, 1972. Unless the inconsistency between Sections 471.5 and 472 is eliminated, confusion and uncertainty will exist. In order to avoid this confusion and uncertainty, it is necessary that this act become operative on the same date that Chapter 244 of the Statutes of 1971 becomes operative.

CHAPTER 74

An act relating to the repair, restoration, or replacement of public property damaged or destroyed by a natural disaster, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1972 Filed with
Secretary of State May 15, 1972]

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

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

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

SEC. 3. The unexpended balance of the appropriation made by Section 1 of Chapter 52 of the Statutes of 1969 shall be available for expenditure by the Department of Finance for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges damaged by a natural disaster which occurred between December 1, 1971, and June 30, 1972, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the Department of Finance for an allocation of funds within 60 days after the disaster has occurred, or within 60 days of the effective date of this act, whichever is the longer period.

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

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

SEC. 6. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to Section 3 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of

Finance may allocate funds available pursuant to Section 3 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two hundred thousand dollars (\$200,000).

SEC. 7. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between December 1, 1971, and June 30, 1972, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 60 days after the disaster has occurred, or within 60 days of the effective date of this act, whichever is the longer period.

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

and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 9. The unexpended balance of the money transferred to the Street and Highway Disaster Fund pursuant to subdivision (a) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between December 1, 1971, and June 30, 1972, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 60 days after the disaster has occurred, or within 60 days of the effective date of this act, whichever is the longer period, unless the Director of the Office of Emergency Services extends this period because of unusual circumstances.

SEC. 10. The unexpended balance of the money transferred to the State Highway Fund pursuant to subdivision (b) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by a natural disaster occurring between December 1, 1971, and June 30, 1972, to present-day standards and to accommodate present traffic.

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

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

SEC. 13. Notwithstanding any other provisions of law, any application for an allocation of funds filed with the Department of Finance or the State Allocation Board pursuant to the provisions of Chapter 8 of the Statutes of 1971 prior to January 1, 1972, but more than 45 days after the effective date of Chapter 8 of the Statutes of

1971 or more than 45 days after the occurrence of the disaster, whichever is the longer period, shall be deemed timely filed.

SEC. 14. On the effective date of this act, the Director of the Office of Emergency Services shall notify each local agency of the enactment of this act and the application thereof to the local agency.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

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

CHAPTER 75

An act to amend Section 74844 of the Government Code, relating to marshal of Vallejo Municipal Court.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. Section 74844 of the Government Code is amended to read:

74844. There shall be one marshal who shall receive, effective January 1, 1972, one thousand two hundred seventy-four dollars (\$1,274) monthly, provided, however, that in order to maintain comparability with the salaries of the elected and appointed officials of the County of Solano whose salaries are set by the board of supervisors, the judges, with the concurrence of the board of supervisors, may establish one thousand three hundred six dollars (\$1,306), one thousand three hundred thirty-eight dollars (\$1,338), one thousand three hundred seventy-one dollars (\$1,371), one thousand four hundred five dollars (\$1,405), one thousand four hundred forty dollars (\$1,440), one thousand four hundred seventy-five dollars (\$1,475), one thousand five hundred twelve dollars (\$1,512), to one thousand five hundred forty-nine dollars (\$1,549), as the monthly salary.

CHAPTER 76

An act making an appropriation to the Board of Governors of the California Community Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. There is hereby appropriated from that portion of the unappropriated surplus of the State Construction Program Fund (reserve account) consisting of moneys derived from sources other than bond proceeds, the sum of nine hundred fifty-seven thousand six hundred forty-two dollars (\$957,642) to the Board of Governors of the California Community Colleges to be allocated by them, subject to the prior approval of the State Public Works Board, to the Grossmont Community College District for site acquisition for its Monte Vista Ranch Campus.

SEC. 2. The appropriation made by subdivision (ox11) of Item 309 of the Budget Act of 1971 is deleted from that item.

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

The enrollment of the Grossmont Community College District is growing at a rapid rate and additional facilities are needed at the earliest possible time in order to perform adequately the function of the district. Further, if the property required by the district cannot be purchased by a particular time a substantial increase in the price of the property will occur. It is therefore essential that this act take effect immediately.

 CHAPTER 77

An act to amend Sections 5549 and 5594 of the Public Resources Code, relating to regional park districts.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. Section 5549 of the Public Resources Code is amended to read:

5549. The district manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and

regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the district manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding three thousand five hundred dollars (\$3,500). All purchases shall be reported to the board of directors at its next regular meeting.

SEC. 1.5. Section 5549 of the Public Resources Code is amended to read:

5549. The general manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the general manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding three thousand five hundred dollars (\$3,500). All purchases shall be reported to the board of directors at its next regular meeting.

SEC. 2. Section 5594 of the Public Resources Code is amended to read:

5594. All contracts for furnishing materials or supplies, or for constructing any building, structure, or improvement, when the expenditures will exceed the sum of three thousand five hundred dollars (\$3,500), shall be let to the lowest responsible bidder, after

notice inviting bids, published in a newspaper in the district at least one week before the time of receiving bids. The board of directors may reject all bids and readvertise, or by a four-fifths vote may elect to purchase the materials or supplies in the open market, or to construct the building, structure, or improvement by force account.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill 256 are both chaptered and amend Section 5549 of the Public Resources Code, and this bill is chaptered after Senate Bill No. 256, that the amendments to Section 5549 proposed by both bills be given effect and incorporated in Section 5549 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 256 are both chaptered, both amend Section 5549, and Senate Bill No. 256 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 78

An act to add Sections 39297.6 and 39297.7 to, and to repeal Section 39077.3 of, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. Section 39077.3 of the Health and Safety Code is repealed.

SEC. 2. Section 39297.6 is added to the Health and Safety Code, to read:

39297.6. (a) With respect to wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, an air pollution control district may, upon the request of any person, authorize the disposal, by open outdoor fires, of such wood waste, on the property where it was grown, under the following conditions:

(1) That there has been a finding by a county health officer within such air pollution control district that it is more beneficial, in terms of the general public health of the persons within such district, to burn such waste on location, than to dispose of it by other means.

(2) That the district has developed criteria for such disposal, which shall include provisions to improve the combustibility of such waste to reduce its smoke level.

(3) That the board has approved the criteria developed pursuant to paragraph (2).

(4) That such authorization, if granted, shall be in the form of a permit issued by the district air pollution control officer, and such permit shall allow burning only on permissive burn days as

designated by the board pursuant to Section 39298. If the board does not designate days to be no burn or permissive burn days for the county, or portion of the county, in which burning pursuant to this section is to be permitted, the air pollution control district shall determine on which days such burning may take place.

(5) No such authorization shall be granted after July 1, 1975.

(b) The board shall conduct studies of alternative methods of disposing of wood waste from trees, vines, or bushes, other than by open outdoor fires.

(c) The Legislature hereby finds and declares that because sanitary landfill sites are very difficult to obtain, these valuable sites should be reserved for high priority waste such as garbage and low-volume rubbish, and that the disposal, by open outdoor fires, of high-volume wood waste will help prolong the life of such landfill sites. However, it is the intent of the Legislature that the disposal, by open outdoor fires, of such wood waste be reasonably regulated so as to not create a public nuisance nor significantly reduce the quality of the ambient air.

SEC. 3. Section 39297.7 is added to the Health and Safety Code, to read:

39297.7. Notwithstanding the provisions of Section 39296, any person actively constructing a replacement facility for an open wood waste burner may be permitted, until January 1, 1973, to burn on all days for the purpose of disposing of wood waste in such a burner.

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

In order to permit the disposal of great accumulations of wood waste from trees, vines, or bushes by open outdoor fires during the current burning season, it is necessary that the provisions of this act become effective immediately.

CHAPTER 79

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

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. The governing board of any school district included within territory to which an areawide foundation program is applicable is hereby authorized to increase, for the 1972-1973 fiscal year only, the maximum rate of school district tax by such amount as will, when levied against each one hundred dollars (\$100) of the

assessed valuation of property within the district, produce an amount sufficient to recover any loss in revenues suffered and not recouped in the 1971-1972 fiscal year by that district and by any other district included in the areawide foundation program, where the loss in revenues was occasioned by an omission in that district to levy the proper areawide tax caused by an error in computation of the tax rate as required by Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code.

The disposition of the proceeds realized from the increased tax rate shall be governed by Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code, as though levied and collected in the 1971-1972 fiscal year.

This section shall remain in effect only until the 61st day after the final adjournment of the 1974 Regular Session of the Legislature, and as of that date is repealed.

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

School districts are required to publish their budgets on or before August 15 of each year, and present their budgets to their county superintendents of schools for review and determination of the amount of money which must be provided by a school district tax. It is necessary that this act be adopted as an urgency statute in order to be effective in time to allow those districts which suffered a tax loss during the 1971-1972 fiscal year to recoup the loss in the 1972-1973 fiscal year.

CHAPTER 80

An act to amend Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972]

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

SECTION 1. Section 52 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 52. In addition to one representative, any member public agency may designate and appoint several representatives not exceeding one additional representative for each full 3 percent of the assessed valuation of property taxable for district purposes within the entire district that is within such member public agency, in which event all such representatives present at a meeting of the board of directors when a vote is taken shall cast, or may abstain from casting,

an equal share of the total vote to which such member public agency is entitled.

CHAPTER 81

An act to amend Section 44750 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972]

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

SECTION 1. Section 44750 of the Water Code is amended to read:
44750. The proceeds of sale of district bonds shall be placed in the treasuries of the respective affected counties to the amount of the unpaid assessment in each county and credited to the bond fund of the district, except that any premium received upon the sale of district bonds shall be credited to the bond reserve fund of the district if the resolution of the board directing the sale of the bonds so provides. Said proceeds may be used for the purposes for which the bonds were authorized to be issued under Part 8 (commencing with Section 45100) of this division. Upon completion of an adopted project, or any unit thereof, any balance in said fund shall be used exclusively for the payment of principal of or interest on the bonds sold, or shall be deposited in the bond reserve fund or shall be used for the purchase at not more than par and cancellation of any such bonds.

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

A water storage district is now proceeding with the planning, financing, and construction of a portion of its irrigation project to enable it to provide a supplemental water supply from the State Water Resources Development System for agricultural use within the district. In order to facilitate the financing of the project and to assure the orderly financing of such project and thereby to make provision of the water needed to preserve the health and safety of the citizens residing in the affected area, it is now necessary to amend the law with respect to the purchase and cancellation of outstanding bonded indebtedness of the district, and it is therefore essential that this act go into immediate effect.

CHAPTER 82

An act to amend Sections 2 and 5 of, and to add Section 4.14 to, the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), relating to the Amador County Water Agency.

[Approved by Governor May 19, 1972 Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. Section 2 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" means the Amador County Water Agency.

(b) "County" means the County of Amador of the State of California.

(c) "United States" means the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and damsites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion, transmission, distribution, storage, spreading, treatment, purification, reclamation, recapture, and salvage of any water, including sewage, waste, and storm water; power generation and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, towns, flood control districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of

furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

SEC. 2. Section 4.14 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 4.14. The agency shall have the power to plan, construct, operate, and maintain facilities for the collection, transmission, treatment, and disposal of sewage, waste, and storm water.

SEC. 3. Section 5 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 5. Any water or rights to the use of the works of the agency for the conservation, control, treatment, purification, reclamation, salvage, or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. The agency may transfer such water or the use of agency works for use outside the agency upon a finding by the board that the water or works involved will not be needed for use within the agency. The provisions of this section shall not prevent the disposition of electric power or power facilities to other than member units at wholesale.

CHAPTER 83

An act to amend Section 139.5 of the Labor Code, relating to rehabilitation of injured workmen, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1972. Filed with
Secretary of State May 19, 1972.]

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

SECTION 1. Section 139.5 of the Labor Code is amended to read:
139.5. The administrative director may establish within the Medical Bureau of the Division of Industrial Accidents a rehabilitation unit, including an appropriate professional staff, to foster, review, and approve rehabilitation plans, and to expedite and facilitate the carrying out of rehabilitation plans. The salaries of the

personnel of the rehabilitation unit shall be fixed by the State Personnel Board.

The initiation of a rehabilitation plan shall be by the employer or insurance carrier. If the employer, the insurance carrier, or the injured workman disagree as to the establishment of a rehabilitation plan either may consult with the rehabilitation unit or may seek an advisory determination by the rehabilitation unit which may make an advisory determination that such services are necessary or advisable.

Any plan initiated by an employer or insurance carrier shall be presumed to be necessary and meritorious.

Injured workmen may agree with their employers or the insurance carriers for insured employers upon rehabilitation programs without submission of such programs for approval.

Where an employer or insurance carrier fails or refuses to initiate a rehabilitation plan for an injured workman, or fails or refuses to participate in a plan previously initiated and agreed to by such employer or insurance carrier, such failure and refusal shall be deemed to be final.

Where a rehabilitation plan has been found to be necessary and meritorious, and the injured workman thereafter refuses to undertake and participate in such plan found to be reasonable and meritorious, in absence of his acceptance thereof such refusal shall be deemed to be final.

Upon undertaking a rehabilitation program the injured workman shall continue to receive temporary disability indemnity and in addition shall receive the sum of seventy dollars (\$70) per week as an advance on permanent disability indemnity. Such advance is limited to 26 weeks, but this shall not limit the right of the employer or insurance carrier to continue the rehabilitation plan and advances for a longer period. Such advance shall be credited in full against the permanent disability indemnity determined to be due to such employee for his permanent disability rating when established, up to the extent of the permanent disability indemnity so found and determined. The determination of the employee's permanent disability percentage in such case shall be with reference to his age and occupation at the time that such determination is then made.

The initiation of a rehabilitation program or the acceptance thereof shall be voluntary and not be compulsory on the employer, the insurance carrier or the injured workman.

SEC. 2. This act shall become operative on April 1, 1972.

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

It is necessary that this act go into effect immediately so that provisions on the rehabilitation of injured workmen will conform to changes made in workmen's compensation enacted into law by Chapter 1750 of the 1971 Statutes (AB 486), that will be operative April 1, 1972.

CHAPTER 84

An act to amend Section 602 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1972. Filed with Secretary of State May 19, 1972.]

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

SECTION 1. Section 602 of the Welfare and Institutions Code is amended to read:

602. Any person who is under the age of 18 years when he violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime or who, after having been found by the juvenile court to be a person described by Section 601, fails to obey any lawful order of the juvenile court, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

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

Under existing law it is uncertain whether or not any court has jurisdiction over a person 18 years or older who is charged with an offense allegedly committed when he was under 18 years of age. Accordingly, it is imperative that this act go into immediate effect.

CHAPTER 85

An act to amend Sections 2147, 2177.5, and 2178 of, to add Article 4.6 (commencing with Section 2185) to Chapter 5 of Division 2 of and Section 2193.7 to, and to repeal Section 2193.7 (as added by Chapter 113 of the 1971 Statutes) of, the Business and Professions Code, relating to the healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1972. Filed with Secretary of State May 19, 1972.]

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

SECTION 1. Section 2147 of the Business and Professions Code is amended to read:

2147. Nothing in this chapter shall be construed to prevent a student regularly matriculated in any legally chartered school approved by the board or a person enrolled in a program of supervised clinical training pursuant to Article 4.6 (commencing with Section 2185) of this chapter from treating the sick or afflicted whenever and wherever prescribed as a part of his course of study.

SEC. 2. Section 2177.5 of the Business and Professions Code is amended to read:

2177.5. There shall be at least 35 loans available each year. Only students enrolled in the doctor of medicine program of a medical school approved by the board and located in California, or students enrolled in a program approved by the board pursuant to Article 4.6 (commencing with Section 2185) of this chapter for graduate clinical training in general practice medicine, are eligible for participation in the loan program.

SEC. 3. Section 2178 of the Business and Professions Code is amended to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the third year of an approved doctor of medicine program in California, or is enrolled in a program approved pursuant to Article 4.6 (commencing with Section 2185) of this chapter for graduate clinical training in general practice medicine.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

SEC. 4. Article 4.6 (commencing with Section 2185) is added to Chapter 5, Division 2 of the Business and Professions Code, to read:

Article 4.6. Programs of Supervised Clinical Training
in General Practice Medicine

2185. As used in this article, "graduate program" means a one-year graduate program, approved by the Board of Medical Examiners of the State of California, in supervised clinical training in the field of general practice medicine, affiliated with, and under the supervision of, medical schools approved by the board, for applicants for a physician's and surgeon's certificate pursuant to Section 2193.7.

2185.5. The board shall approve one-year graduate programs of supervised clinical training in the field of general practice medicine, affiliated with, and under the supervision of medical schools approved by the board, for applicants for a physician's and surgeon's

certificate pursuant to Section 2193.7.

2186. A medical school conducting such a graduate program shall review the academic record of applicants for such a program, and may establish such requirements as it deems necessary to determine that applicants are properly qualified for such program.

2186.5. If a medical school conducting such a graduate program determines that a person has satisfactorily completed the graduate program, he shall be eligible for admission to any other kind of graduate training program authorized under this chapter without completion of service obligations required by the Republic of Mexico and without further examination.

2187. The University of California may establish such a graduate program. In accepting persons into such program, preference shall be given to persons who are legal residents of the State of California.

2187.5. Schools of medicine which conduct such a graduate program shall provide an annual written report to the Legislature no later than December 1 of each year, which shall include at least the following topics:

(1) Numbers of participating candidates.

(2) Screening methods used to determine entrance qualifications of applicants participating in the program, with results.

(3) An evaluation of the professional capabilities of persons licensed as physicians and surgeons under Section 2193.7.

(4) Practice location and professional activities of program graduates.

(5) Program costs.

(6) Future recommendations relative to this program.

2188. The State Scholarship and Loan Commission may, from funds appropriated by the Legislature for such purpose, allocate the sum of no more than ten thousand dollars (\$10,000) per student to any medical school conducting a graduate program for the purpose of supporting such program, provided that no such allocation shall be made in support of any such program which has an enrollment of less than 10 students.

SEC. 5. Section 2193.7 of the Business and Professions Code (as added by Chapter 113 of the 1971 Statutes) is repealed.

SEC. 6. Section 2193.7 is added to the Business and Professions Code, to read:

2193.7. Notwithstanding any other provision of law, a person who at the time of his enrollment in a medical school in the Republic of Mexico is a citizen of the United States, and who possesses a diploma issued to him after successful completion of a four-year program in such medical school located in the Republic of Mexico, which school is approved by the Republic of Mexico, shall be issued a physician's and surgeon's certificate if he meets all of the following requirements:

(a) He has successfully completed one year of supervised clinical training in the field of general practice medicine in a program approved by the board pursuant to Article 4.6 (commencing with

Section 2185) of this chapter. This program of supervised clinical training must be affiliated with an approved medical school and be under the direction of such medical school.

(b) He has successfully completed the same written examination prescribed by the board for graduates of California medical schools before or during his year of supervised clinical training.

(c) He has successfully completed the premedical Education Requirements set forth in Section 2191 in a school of higher education satisfactory to the board located in the United States.

SEC. 7. This act shall have no force or effect after December 31, 1974.

SEC. 8. Section 5 of this act shall become operative on March 4, 1972.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the program provided for by this act achieves its maximum effectiveness, it is necessary that it go into effect at the earliest possible date.

CHAPTER 86

An act to amend Sections 73914 and 73915 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1972. Filed with Secretary of State May 22, 1972.]

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

SECTION 1. Section 73914 of the Government Code is amended to read:

73914. (a) The biweekly salaries for the following classes of position shall be, and shall be increased in accordance with the schedule set forth below:

Range	Step A	Approximate hourly equivalent				
		A	B	C	D	E
Clerk of the municipal court .. 73	\$5.34	\$427.20	\$449.60	\$470.40	\$494.40	\$520.00
Assistant clerk of the municipal court..... 60	3.90	312.00	326.40	344.00	360.00	377.60

Municipal court clerk	54	3.36	268.80	281.60	296.00	312.00	326.40
Intermediate ac-count clerk.....	46	2.76	220.80	232.00	244.80	256.00	268.80
Intermediate clerk	44	2.64	211.20	220.80	232.00	244.80	256.00
Senior typist-clerk	50	3.06	244.80	256.00	268.80	281.60	296.00
Typist-clerk	40	2.38	190.40	200.00	211.20	220.80	232.00
Marshal	80	6.34	507.20	532.80	558.40	587.20	616.00
Chief deputy marshal	72	5.22	417.60	438.40	459.20	483.20	507.20
Deputy marshal	64	4.30	344.00	360.00	377.60	396.80	417.60

All figures in columns A, B, C, D, and E represent dollars for each biweekly pay period.

Chief deputy marshals and deputy marshals shall receive such initial and annual uniform allowances as may be provided by resolution or ordinances to those employees of the sheriff's department of Santa Barbara County who are classified as deputy sheriffs.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, and salary on position reclassification shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara.

(c) On and after March 4, 1972, the following regulations will govern the administration of the classification and compensation schedule contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this act shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the civil service system of Santa Barbara County, but such employees and attachés may be placed under that civil service system by court rule adopted by the judges of this municipal court.

(2) For purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 73912 and 73913.

SEC. 2. Section 73915 of the Government Code is amended to read:

73915. Notwithstanding any other provisions of this article, whenever a different compensation is established for any of the

hereinafter mentioned positions under the County of Santa Barbara salary ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as superior court clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court, assistant clerk of the municipal court, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as senior typist-clerk, intermediate account clerk, intermediate clerk, and typist-clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of senior typist-clerk, intermediate account clerk, intermediate clerk, and typist-clerk, under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as deputy sheriff, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County salary ordinance is payable, but shall only be effective until the 61st day following adjournment of the next following regular session of the Legislature.

SEC. 3. On or after March 4, 1972, no officer or employee provided for in this article shall be deemed to have a break in service or to have terminated his employment, for any purpose, nor to have incurred any change in his authority, status, or jurisdiction, or in his salary or other condition of employment, solely because of the failure to enact this legislation prior to March 4, 1972.

Every person who entered service under this article between March 4, 1972, and the effective date of this legislation shall be deemed an officer or employee, as the case may be, from the time he entered such service until that date, notwithstanding the failure to enact this legislation prior to his entry into service.

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

Section 73915 of the Government Code, which authorizes the establishment of a salary scale for municipal court attachés, will

remain in effect only until the 61st day after final adjournment of the 1971 Regular Session of the Legislature, and it is necessary that this act go into immediate effect to prevent this authority from lapsing.

CHAPTER 87

An act to amend Section 7204 of the Government Code, relating to filing and indexing fees.

[Approved by Governor May 23, 1972. Filed with Secretary of State May 23, 1972.]

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

SECTION 1. Section 7204 of the Government Code is amended to read:

7204. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien, whether filed for record in the office of the county recorder or filed in the office of the Secretary of State, is three dollars (\$3).

The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them.

CHAPTER 88

An act to amend Section 19629 of the Welfare and Institutions Code, relating to rehabilitation.

[Approved by Governor May 23, 1972. Filed with Secretary of State May 23, 1972.]

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

SECTION 1. Section 19629 of the Welfare and Institutions Code is amended to read:

19629. The department shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter, including the collection of a service charge based on gross sales, which service charge shall not exceed 6 percent thereof from each vending stand operator, and shall be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for additional equipment, for the construction of new vending stands and food service facilities, for loans to operators for initial stock, and for such other expenditures

as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries. It is the intent of the Legislature that the expenditure of such service charges as are authorized by this section shall be supplemental to and in augmentation of any current appropriations available for such purposes and shall not constitute an offset or diminution of any such appropriations. A sum equal to 4 percent of the wages paid by an operator to any blind person, as defined in Section 6905, or any disabled person, as defined in regulations issued by the department, shall be deducted from any service charge paid by the operator, to encourage operators to employ more blind and disabled workers and thereby set an example for industry and government.

There shall be no deduction from any service charge paid by an operator if the operator does not pay wages at least equal to the minimum wages required of employers pursuant to Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States and 18 years of age or over.

The amendments to this section made at the 1969 Regular Session of the Legislature apply only to persons hired by an operator after July 1, 1969.

CHAPTER 89

An act making an appropriation for the support of the fair hearing function of the State Department of Social Welfare and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1972. Filed with
Secretary of State May 23, 1972.]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of five hundred twenty-five thousand dollars (\$525,000) in augmentation of Item 254 (b) of the Budget Act of 1971 to be expended during the 1971-1972 fiscal year and used only for contractual service from other public agencies or accredited law schools in California, for support of the Department of Social Welfare's fair hearing functions, provided that the undisbursed balance of this appropriation as of June 30, 1972, shall be

reappropriated and be available for expenditure through December 31, 1972.

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

In order that the funds appropriated by this act may be expended during the 1971-1972 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 90

An act to add Sections 25502.3 and 25502.4 to the Government Code, relating to county purchasing agents, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1972. Filed with
Secretary of State May 23, 1972.]

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

SECTION 1. Section 25502.3 is added to the Government Code, to read:

25502.3. In counties having a population of 168,500 or less, according to the 1960 federal census, the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed two thousand dollars (\$2,000).

SEC. 2. Section 25502.4 is added to the Government Code, to read:

25502.4. In counties having a population of less than 900,000 but more than 168,500, the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed six thousand five hundred dollars (\$6,500).

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

Chapter 1310 of the Statutes of 1971 was effective on March 4, 1972, and inadvertently repealed the authority of purchasing agents to contract for certain services. In order to restore this authority with as little interruption as possible it is necessary that this act take effect immediately.

CHAPTER 91

An act relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1972. Filed with Secretary of State May 23, 1972.]

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

SECTION 1. Modifications to the State Teachers' Retirement System retirement allowance formulae contained in Chapter 1305 of the Statutes of 1971 shall not operate to increase the benefits required to be provided to members of local retirement systems by Sections 14694.8 and 14694.9 of the Education Code.

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

Chapter 1305 of the Statutes of 1971 will require a district maintaining a local district retirement system on July 1, 1972, to increase property taxes for the purpose of providing a greater retirement benefit to its employees than is presently provided, unless Sections 14694.8 and 14694.9 of the Education Code are modified.

A delay in the passage of this act would create a substantial economic hardship on local property taxpayers and on a district maintaining a local retirement system by the necessity of providing a benefit beyond the resources presently provided to the local taxing authority.

The fiscal planning of a district whose local district retirement system is being discontinued would be greatly impeded unless this act is given immediate effect.

 CHAPTER 92

An act to repeal Sections 367d and 367e of the Penal Code, and to amend Sections 13201, 13352, 23101, 23102, 23105, and 23106 of the Vehicle Code, relating to motor vehicle offenses.

[Approved by Governor May 23, 1972. Filed with Secretary of State May 23, 1972.]

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

SECTION 1. Section 367d of the Penal Code, as amended by Chapter 896 of the Statutes of 1971, is repealed.

SEC. 2. Section 367e of the Penal Code is repealed.

SEC. 3. Section 13201 of the Vehicle Code is amended to read:

13201. A court may suspend the privilege of any person to operate a motor vehicle, for a period not exceeding six months, upon conviction of any of the following offenses:

(a) Driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug under subdivision (a) of Section 23102.

(b) Failure of the driver of a vehicle involved in an accident to stop or otherwise comply with the provisions of Section 20002.

(c) Reckless driving proximately causing bodily injury to any person under Section 23104.

(d) Failure of the driver of a vehicle to stop at a railway grade crossing as required by Section 22452.

(e) Driving while addicted to the use, or under the influence of, any drug under subdivisions (a) or (c) of Section 23105.

SEC. 4. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101 or 23106 such privilege shall be suspended for a period of six months, unless the court in case of the first conviction or finding only suspends such privilege under authority of Section 13201 or 13358 or recommends no suspension.

(b) Upon a first such conviction or finding under Section 23101 or 23106 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or any combination of such convictions or findings within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 or 23106 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or any combination of such convictions or findings within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivisions (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court, specified in the first paragraph of this section shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 5. Section 23101 of the Vehicle Code is amended to read:

23101. (a) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000).

SEC. 6. Section 23102 of the Vehicle Code is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction,

by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101.

(d) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but not more than one thousand dollars (\$1,000).

(e) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 7. Section 23105 of the Vehicle Code, as added by Chapter 1530 of the Statutes of 1971, is amended to read:

23105. (a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone maintenance treatment program approved pursuant to Section 11655.7 of the Health and Safety Code, to drive a vehicle upon any highway.

(d) Any person convicted under this section is guilty of a misdemeanor and shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second or subsequent conviction if the person has previously been convicted of a violation of driving a vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug.

(e) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but

not more than one thousand dollars (\$1,000).

(f) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 8. Section 23106 of the Vehicle Code, as added by Chapter 1530 of the Statutes of 1971, is amended to read:

23106. (a) It is unlawful for any person, while under the influence of any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000).

CHAPTER 93

An act to amend Sections 16018, 16128, 16301, 16330, 16331, 16333, 16334, 16335.1, 16336, 16338, and 16340 of, to add Section 16350.5 to, to add Chapter 9 (commencing with Section 16850) to Part 5 of Division 9 of, and to repeal and add Article 1 (commencing with Section 16320) to Chapter 3 of Part 4 of Division 9 of, the Water Code, relating to sewage services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1972. Filed with
Secretary of State May 23, 1972.]

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

SECTION 1. Section 16018 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16018. "Local sewage collection facilities" means facilities whose primary function is the collection or conveyance of sewage and other waste waters from the properties where such sewage and other waste waters are generated or originated.

SEC. 2. Section 16128 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16128. The agency board shall designate newspapers of general circulation published and printed within the region as the official agency newspapers in which all official publications of the agency

shall be made.

SEC. 3. Section 16301 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16301. The agency board shall consist of trustees selected in accordance with this part and each trustee shall be a resident and registered voter of the county from which appointed. With exception of the City and County of San Francisco, each trustee shall be either an elective member of the legislative body of a county operating water quality control facilities, a city operating water quality control facilities, or a special district operating water quality control facilities within the region, or a member of the legislative body of such a special district appointed by virtue of holding an elective office in the legislative body of a county, city, or special district. With the exception of the City and County of San Francisco, no more than one trustee from one such city, county, or special district shall serve on the agency board at the same time. Trustees from the City and County of San Francisco shall be elected members of the board of supervisors except that one trustee may be the chief administrative officer of the city and county.

SEC. 4. Article 1 (commencing with Section 16320) of Chapter 3 of Part 4 of Division 9 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is repealed.

SEC. 5. Article 1 (commencing with Section 16320) is added to Chapter 3 of Part 4 of Division 9 of the Water Code, to read:

Article 1. Agency Board Selection Committees

16320. In order to provide for the nomination of candidates for appointment to the agency board, a separate and distinct agency board selection committee is hereby established in each of the counties within the region, except within the City and County of San Francisco. The membership of each such selection committee shall consist of the mayor of each city within the county and the president of the board of directors of each special district having territory within the county which operates water quality control facilities.

16321. The first meeting of the agency board selection committee of each county shall be held on or before June 30, 1972, in the chambers of the board of supervisors of such county for the purpose of making recommendations for appointments to the first board of agency. For purposes of organizing the first meeting of each agency board selection committee, the county clerk of each county shall act as temporary chairman of the agency board selection committee. The temporary chairman of each agency board selection committee shall fix a date and time for the first meeting of the committee and shall give mailed notice of such date and time to the mayor of each city within the county and the president of the board of directors of each special district having territory within the county which operates water quality control facilities, as defined in Section 16029. The committee shall meet on such date and at such time and

thereafter shall meet on such dates and times as it may determine.

At the first meeting of the agency board selection committee, it shall select from its members a permanent chairman and such other officers as it deems necessary. The county clerk of each county shall act as the permanent secretary and recording officer of the agency board selection committee organized within such county and all meetings of the committee shall be conducted in the presence of such county clerk or his deputy.

16322. At least 60 days prior to the expiration of the term of office of an agency board member, the agency board selection committee of the county from which the board member is appointed shall meet and make recommendations for appointment of a successor to such board member as provided in this chapter. The chairman of the selection committee shall fix a date, time, and place for such meeting and shall at least three weeks prior to the date fixed for the meeting inform the secretary of the date, time, and place.

16323. Whenever, pursuant to Section 16338, an agency board selection committee is requested to make recommendations to fill a vacancy on the agency board, the chairman of the committee shall call a meeting of the committee and shall fix a date, time, and place for such meeting. Within three weeks prior to the date fixed for such meeting the chairman shall notify the committee secretary of the date, time, and place. The meeting shall be held not more than 30 days after the request is made.

16324. At least two weeks prior to the date of each meeting of an agency board selection committee, the secretary, or temporary chairman in the case of the first meeting of the committee, shall give notice of the meeting to each member of the committee. The committee secretary shall also give reasonable notice to each member of the committee of the date, time, and place to which a meeting of the committee is continued.

16325. A majority of the members of an agency board selection committee shall constitute a quorum of the committee.

16326. The secretary of each agency board selection committee shall cause the minutes and recommendations of the committee to be recorded and transcribed. A copy of such transcribed minutes and recommendations, certified by the secretary and signed by the committee chairman, shall be forwarded to the board of supervisors of the county in which the committee is organized in the time specified in Article 2 (commencing with Section 16330) of this chapter. After appointment of the first agency board, a certified copy of such minutes and recommendations shall also be forwarded to the agency board.

16327. Members of the agency board selection committee shall serve without compensation, but may receive actual and necessary expenses incurred in the discharge of their duties authorized by the agency board.

SEC. 6. Section 16330 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16330. A member of the board of supervisors of a county, or city and county, operating water quality control facilities within the region, a mayor or member of the city council of a city operating water quality control facilities within the region, or a member of the board of a special district operating water quality control facilities within the region may be appointed to and serve simultaneously as a member of the agency board.

SEC. 7. Section 16331 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16331. The first agency board, appointed as provided for in this part, shall be composed of 21 trustees allocated among the counties of the region as follows:

- (a) Five trustees from the County of Alameda.
- (b) Three trustees from the City and County of San Francisco.
- (c) Five trustees from the County of Santa Clara.
- (d) Two trustees from the County of Contra Costa.
- (e) Two trustees from the County of San Mateo.
- (f) One trustee from the County of Marin.
- (g) One trustee from the County of Napa.
- (h) One trustee from the County of Solano.
- (i) One trustee from the County of Sonoma.

SEC. 8. Section 16333 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16333. For the purpose of Section 16332, population shall be determined on the basis of the last official United States decennial census.

If between official United States censuses the agency board determines that the population of any county within the district has changed sufficiently to warrant adjustment in the number of trustees representing that county, the agency board may determine the number of trustees to represent that county on the basis of population estimates prepared by the State Department of Finance; provided, however, that changes in the number of trustees composing the agency board, if determined on the basis of population estimates, shall not be made more frequently than once each four years.

SEC. 9. Section 16334 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16334. On or before July 15, 1972, the agency board selection committee of each county within the region shall forward to the board of supervisors of the county a list of persons qualified as provided in Section 16301 as its recommendation for appointment as the trustee, or trustees, on the first agency board from its county. The list of candidates shall include three names for each trustee on the agency board allocated to the county.

On or before July 15, 1972, the board of supervisors of each county other than the City and County of San Francisco shall appoint from the list of names recommended by the county's agency board selection committee its trustees on the first agency board.

On or before July 15, 1972, the Board of Supervisors of the City and County of San Francisco shall appoint its trustees qualified as provided in Section 16301 to the first agency board.

SEC. 10. Section 16335.1 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16335.1. At the time of appointing the trustees for each county pursuant to the provisions of Sections 16334 and 16335 the respective boards of supervisors may authorize and appoint an alternate for each regular trustee. The alternate trustee shall attend the meetings of the agency board and vote in the absence of the regular trustee. Alternates shall be selected from the list provided to each board of supervisors pursuant to Section 16334 and shall be qualified as provided in Section 16301. Alternates shall serve at the pleasure of the board of supervisors which has appointed them.

SEC. 11. Section 16336 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16336. Each trustee or alternate appointed by a board of supervisors shall be appointed by a resolution adopted by that board.

Certified copies of all resolutions adopted pursuant to this section, together with notices of appointments made thereby shall be forwarded without delay to the persons appointed, the Secretary of State, and the clerk of the agency; provided, however, that copies of the resolutions making appointments to the first agency board shall be forwarded to the County Clerk of the County of Alameda, rather than the clerk of the agency.

SEC. 12. Section 16338 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16338. Any vacancy in the agency board shall be filled for the unexpired term by appointment by the board of supervisors which originally made the appointment to the office in which the vacancy exists. The board of supervisors may make the appointment from the most current list of recommendations by the agency board selection committee or may request such committee to make new recommendations pursuant to this chapter. If the board of supervisors request the selection committee to make new recommendations, such request shall be made as soon as possible after the vacancy occurs.

SEC. 13. Section 16340 of the Water Code, as added by Chapter 909 of the Statutes of 1971, is amended to read:

16340. Each trustee, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution and laws of this state. A copy of the oath shall be filed with the clerk of the agency and the Secretary of State; provided, however, that copies of the oath of office of the first agency board shall be filed with the County Clerk of Alameda, rather than the clerk of the agency.

SEC. 14. Section 16350.5 is added to the Water Code, to read:

16350.5. The County Clerk of Alameda County shall ascertain the names of the first trustees designated pursuant to this chapter and shall inform each trustee of the date, time, and place of the

organizational meeting of the first agency board. The organizational meeting of the first agency board shall be held as soon as possible after July 15, 1972, on the date and at the time and place to be designated by the County Clerk of Alameda County. The County Clerk of Alameda County shall preside at the organizational meeting of the first agency board until the trustees have selected a president and vice president, but he shall have no vote in the selection of the president or vice president.

SEC. 15. Chapter 9 (commencing with Section 16850) is added to Part 5 of Division 9 of the Water Code, to read:

CHAPTER 9. MERGER

16850. The agency, pursuant to any procedure which shall hereafter be prescribed by law, shall merge with or otherwise be included within any multifunctional regional organization which encompasses substantially the entire region, as defined in Section 16022, and which has been delegated substantially the same responsibilities as provided in this division.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will clarify certain provisions of the legislation concerning the Bay Area Sewage Services Agency, and particularly those sections relating to the selection of the governing body of that agency. Uncertainty has arisen concerning the eligibility of the candidates for the office of trustee of the agency. It is necessary that this uncertainty be removed at the earliest possible time because the agency board selection committees for each county are required to meet on or before June 30, 1972, for the purpose of making the first recommendation for appointments to the board of the agency.

CHAPTER 94

An act to amend Sections 24212, 24354, and 39380 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1972. Filed with Secretary of State May 23, 1972.]

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

SECTION 1. Section 24212 of the Health and Safety Code is amended to read:

24212. Upon the adoption by the board of supervisors of a resolution declaring that there is need for an air pollution control

district to function the air pollution control district in that county shall have power:

- (a) To have perpetual succession.
- (b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (c) To adopt a seal and alter it at its pleasure.
- (d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
- (e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the air pollution control board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.
- (f) To contract with other air pollution control districts for the performance of air pollution control functions, and to furnish equipment and supplies incident thereto, within such other air pollution control districts upon reasonable compensation to be paid by such other districts.

SEC. 2. Section 24354 of the Health and Safety Code is amended to read:

24354. The district shall have power:

- (a) To have perpetual succession.
- (b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (c) To adopt a seal and alter it at its pleasure.
- (d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
- (e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.
- (f) To contract with other air pollution control districts for the performance of air pollution control functions, and to furnish equipment and supplies incident thereto, within such other air pollution control districts upon reasonable compensation to be paid by such other districts.

SEC. 3. Section 39380 of the Health and Safety Code is amended to read:

39380. The regional district shall have power:

- (a) To have perpetual succession.

(b) To sue and be sued in the name of the regional district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the regional district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the regional board such property, or any interest therein, or part thereof, is no longer required for the purposes of the regional district, or may be leased for any purpose without interfering with the use of the same for the purposes of the regional district, and to pay any compensation received therefor into the general fund of the regional district.

(f) To contract with other air pollution control districts for the performance of air pollution control functions, and to furnish equipment and supplies incident thereto, within such other air pollution control districts upon reasonable compensation to be paid by such other districts.

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

It is essential to permit air pollution control districts to contract with other air pollution control districts for the performance of air pollution control functions as soon as possible so that trained and experienced personnel may assist those districts which do not have sufficient trained and experienced personnel to perform the necessary air pollution control functions. Air pollution is a statewide problem and it is essential that air pollution control districts have the authority to contract with each other for the performance of air pollution control functions which are common to all districts. It is necessary, therefore, that this act take effect immediately.

CHAPTER 95

An act to amend Sections 20, 28, 64, 113, 114, and 220 of, and to repeal Section 18 of, the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session), relating to the Embarcadero Municipal Improvement District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1972. Filed with
Secretary of State May 25, 1972.]

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

SECTION 1. Section 18 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 2. Section 20 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 20. "Voter" means a registered elector residing within the boundaries of the district and otherwise qualified pursuant to law.

SEC. 3. Section 28 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 28. The directors shall be voters.

SEC. 4. Section 64 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 64. Each voter shall have one vote.

SEC. 5. Section 113 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 113. Bonds issued by the district under the provisions of this article shall be of such denomination as the board determines.

SEC. 6. Section 114 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 114. The bonds shall be payable in lawful money of the United States at the office of the treasurer or at such other place, depository, paying agent or fiscal agent within or without the State of California as may be designated by the board, and bear interest at a rate not exceeding seven percent (7%) per annum, payable semiannually in like lawful money, except the first year which may be for more or less than one year.

SEC. 7. Section 220 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 220. The purpose of this act is to form the Embarcadero Municipal Improvement District in order that the area benefited

may be provided with harbor and other improvements. Special facts and circumstances applicable to the general area within which the district lies and not generally, make the accomplishment of this purpose impossible under existing general laws and therefore special legislation is necessary. The special facts are as follows:

(a) It is proposed that a complete small craft harbor be developed providing 800 berths and all incidental facilities. There are no small craft harbor facilities nearer than the City of Santa Barbara, 16 miles away, and these facilities are inadequate to provide the services required for its surrounding area.

(b) There is need for small craft harbor facilities in the area and the public interest, economy and general welfare will be served by privately owned facilities of such nature being expedited, and such action will conserve moneys made available by the state for public small craft harbors.

(c) The area is without an adequate water supply, storage and distribution system for public and private purposes.

(d) The area has no facilities for the treatment and disposal of sewage and, in its development, will consequently contaminate the waters of the state.

(e) There is urgent need for the improvements which the district is empowered to construct under this act, but other municipal powers which could be exercised by a city are not required, and would result in more government than the area needs or wants.

(f) There are no existing general laws under which the area could be provided with the facilities it needs short of incorporation as a city. Therefore, the only way in which the particular needs of the area can be provided is by special act.

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

In order to assure that the registered voters residing within the Embarcadero Municipal Improvement District may exercise the right to choose directors of the district, a right which the Supreme Court of California has determined that they have, it is necessary that this act take effect immediately.

CHAPTER 96

An act making an appropriation to the Emergency Fund in augmentation of Item 79, Budget Act of 1971.

[Approved by Governor May 26, 1972. Filed with Secretary of State May 26, 1972.]

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

SECTION 1. The sum of four million nine hundred eighteen thousand nine dollars (\$4,918,009) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 79, Budget Act of 1971, provided, that from the sum appropriated by this act, the Director of Finance shall allocate seven hundred eighteen thousand nine dollars (\$718,009) in augmentation of Item 78 of the Budget Act of 1971.

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

CHAPTER 97

An act to add Section 12804.5 to the Vehicle Code, relating to drivers' licenses.

[Approved by Governor May 30, 1972. Filed with Secretary of State May 30, 1972.]

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

SECTION 1. Section 12804.5 is added to the Vehicle Code, to read: 12804.5. The class of vehicles permitted to be operated as shown on a driver's license held by a minor shall not be changed, unless the parents, guardians, or person having custody of such minor gives written consent to the department for such a change.

CHAPTER 98

An act to amend Sections 10500, 10503, 10504, 10652, 11520, 22705, 22853, and 22854 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1972. Filed with
Secretary of State May 30, 1972.]

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

SECTION 1. Section 10500 of the Vehicle Code is amended to read:

10500. Every peace officer upon receiving a report based on reliable information that any vehicle registered under this code has been stolen, or taken or driven in violation of Section 10851, or that license plates for any vehicle have been lost or stolen, shall, immediately after receiving such information, report such information to the Department of Justice. An officer upon receiving information of the recovery of any vehicle or plates, which have been previously reported as stolen, taken or driven in violation of Section 10851, or lost, shall immediately report the fact of the recovery to such department. At the same time the recovering officer shall advise the Department of Justice and the original reporting police agency of the location and condition of such vehicle.

SEC. 2. Section 10503 of the Vehicle Code is amended to read:

10503. The Department of Justice upon receiving notice under this chapter that a vehicle has been stolen, or taken or driven in violation of Section 10851, or that a vehicle reported stolen, or taken or driven in violation of Section 10851 has been recovered, shall notify the Department of Motor Vehicles of the reported theft, taking or driving, or recovery.

SEC. 3. Section 10504 of the Vehicle Code is amended to read:

10504. The department upon receiving a report of a stolen vehicle, or of a vehicle taken or driven in violation of Section 10851, shall place an appropriate notice in the electronic file system which will identify such vehicles during the processing of new certificates of registration, ownership, or registration and ownership. When such vehicles are thus identified, processing shall be discontinued and the Department of Justice shall be notified. New certificates shall not be issued until cleared by the Department of Justice. Notices shall remain in the Department of Motor Vehicles system until a Department of Justice deletion is received.

A report of a stolen vehicle, or of a vehicle taken or driven in violation of Section 10851, is effective for a period of not less than one year from the date first reported or longer as the department may determine.

SEC. 4. Section 10652 of the Vehicle Code is amended to read:

10652. Whenever any vehicle of a type subject to registration under this code has been stored in a garage, repair shop, parking lot,

or trailer park for 30 days, the keeper shall report such fact to the Department of Justice in Sacramento by receipted mail, which shall at once notify the legal owner as of record. This section shall not apply to any vehicle stored by a peace officer or employee designated in Section 22657 pursuant to Article 3 (commencing with Section 22850) of Chapter 10 of Division 11.

SEC. 5. Section 11520 of the Vehicle Code is amended to read:

11520. (a) Any licensed automobile dismantler who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of dismantling, shall within 72 hours, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of such form shall be forwarded to the Department of Justice at its headquarters in Sacramento and to local enforcement agencies when required by local ordinance.

(1) A period of seven days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section. Vehicles acquired under the provisions of Section 3072 of the Civil Code shall not be dismantled until permission has been received from the department.

This subdivision shall not apply if the dismantler complies with subdivision (b) within 24 hours from the time of obtaining actual possession of such vehicle as a transferee, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, nor shall it apply to any vehicle received pursuant to subdivision (b) of Section 11515 or 22705 of this code or Section 3073 of the Civil Code.

(b) Any person desiring to dismantle any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership. Such person shall not dismantle the vehicle until permission has been received from the department, except as provided in this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee is an automobile dismantler who acquired the same for the purpose of dismantling, he shall not be required to file an affidavit of nonoperation nor be required to pay fees as would otherwise be required if such vehicle were to be registered for operations on the highways.

(c) Automobile dismantlers licensed hereunder shall maintain a record of all vehicles acquired for dismantling, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(1) Within 90 days of the date of taking possession, a licensed automobile dismantler shall surrender, or show diligent effort to secure and surrender to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes. A certificate of license plate destruction, when authorized by the director, may be submitted in lieu of the surrender of the license plates.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

SEC. 6. Section 22705 of the Vehicle Code, as amended by Chapter 510 of the Statutes of 1971, is amended to read:

22705. If the vehicle is appraised at a value not exceeding two hundred dollars (\$200), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of Justice in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest and the vehicle may be disposed of.

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

Within three days after completion of the certificate, the person or public agency in possession of the vehicle shall remove and forward to the Department of Motor Vehicles any evidence of registration of the vehicle, including, but not limited to, registration certificates, certificates of title, and license plates.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from the reporting requirements of Section 11520, and any fees and penalties which would otherwise be due to the Department of Motor Vehicles are hereby waived, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal, of such vehicles by other than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 7. Section 22853 of the Vehicle Code is amended to read:
22853. Whenever an officer or employee removing a vehicle from a highway, or from public or private property, for storage under this chapter does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in Section 22852 and in the event the vehicle is not returned to the owner within a period of 120 hours, the officer or employee shall immediately send or cause to be sent written report of such removal by mail to the Department of Justice at Sacramento and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The report shall be made on a form furnished by such department and shall include a complete description of the vehicle, the date, time and

place from which removed, the grounds for removal and the name of the garage or place where the vehicle is stored.

SEC. 8. Section 22854 of the Vehicle Code is amended to read:

22854. The Department of Justice upon receiving notice under Section 22853 of the removal of a vehicle from a highway, or from public or private property, shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the Department of Motor Vehicles, if the vehicle is registered in this state, of the removal of such vehicle, and give the name of the officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this state, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle.

SEC. 9. This act shall become operative on October 1, 1972.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Department of Justice is in the process of establishing a central computerized automobile theft information system. This system calls for the Department of Justice, rather than the Department of the California Highway Patrol, to receive and process information and reports regarding stolen vehicles registered under the Vehicle Code and other related information and reports. It is necessary that this act, which requires that such reports be made to and processed by the Department of Justice, rather than the Department of the California Highway Patrol, become operative as soon as the computerized automobile theft information system of the Department of Justice becomes operational. Thus, it is necessary that this act go into immediate effect.

CHAPTER 99

An act to amend Section 24007 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 30, 1972. Filed with
Secretary of State May 30, 1972.]

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

SECTION 1. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the

purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

Effective February 1, 1973, with respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, the dealer may transmit, in lieu of such certificate of compliance, a statement, in the form approved by the commissioner, signed by the dealer indicating that the dealer has made no carburetor or ignition adjustment or other alteration or modification of the vehicle's exhaust emission control device or system.

CHAPTER 100

An act to amend Section 5470 of the Health and Safety Code, relating to sanitation.

[Approved by Governor May 30, 1972. Filed with
Secretary of State May 30, 1972.]

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

SECTION 1. Section 5470 of the Health and Safety Code is amended to read:

5470. The following words wherever used in this article shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words:

(a) Assessment Roll. "Assessment roll" refers to the assessment roll upon which general taxes of the entity are collected.

(b) Auditor. "Auditor" means the financial officer of the entity.

(c) Clerk. "Clerk" means the official clerk or secretary of the entity.

(d) Chambers. "Chambers" refers to the place where the regular meetings of the legislative body of the entity are held.

(e) Entity. "Entity" means and includes counties, cities and counties, cities, sanitary districts, county sanitation districts, sewer maintenance districts, and other public corporations and districts authorized to acquire, construct, maintain and operate sanitary sewers and sewerage systems.

(f) Rates or Charges. "Rates or charges" shall mean fees, tolls, rates, rentals or other charges for services and facilities furnished by an entity in connection with its sanitation or sewerage systems, including garbage and refuse collection.

(g) Real Estate. "Real estate" includes:

(1) The possession of, claim to, ownership of, or right to possession of land; and

(2) Improvements on land.

(h) Tax Collector. "Tax collector" means the officer who collects general taxes for the entity.

The amendment of this section made by the 1972 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 101

An act to add Sections 6508.5 and 6509 to, and to amend Section 18358 of, the Education Code, relating to special schools and classes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1972. Filed with Secretary of State May 30, 1972.]

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

SECTION 1. Section 6508.5 is added to the Education Code, to read:

6508.5. Opportunity schools established pursuant to this article by the county board of education shall be limited to counties which have an average daily attendance of less than 8,000.

SEC. 2. Section 6509 is added to the Education Code, to read:

6509. An opportunity school established by a county board of education in a county which has an average daily attendance of less than 8,000 shall be deemed to be in lieu of any continuation education program, and shall excuse the school districts within the county from complying with otherwise applicable statutes requiring the establishment of continuation education schools.

SEC. 3. Section 18358 of the Education Code, as amended by Chapter 43 of the Statutes of 1971, is amended to read:

18358. For all physically handicapped pupils, mentally retarded minors and educationally handicapped minors of secondary grade, and handicapped adults, educated by the county superintendent of schools, for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, and for all students enrolled in grades 9 to 12, inclusive, in opportunity schools and classes and all continuation schools and classes maintained by the county superintendent of schools, the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665.

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

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

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

SEC. 4. The Superintendent of Public Instruction shall have all powers necessary, including the power to adjust State School Fund apportionments, allowances, and disbursements on the basis of the revision effected by Section 3 of this act, to carry out the provisions thereof.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to ensure the proper support and operation of special schools and classes maintained by county superintendents of schools during the 1971-1972 fiscal year, or as early as possible in the 1972-1973 fiscal year, in accordance with the provisions of this act, it is necessary that this act go into immediate effect.

CHAPTER 102

An act to add Sections 38743, 38744, and 38745 to the Government Code, relating to water service.

[Approved by Governor May 30, 1972. Filed with
Secretary of State May 30, 1972]

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

SECTION 1. Section 38743 is added to the Government Code, to read:

38743. A city may fix, on or before the first day of July in each calendar year, an annual water service standby or immediate availability charge to be applied on an area or frontage or parcel basis, or a combination thereof, within the city to be charged to such areas to which water service is made available for any purpose by the city, whether the water service is actually used or not. The city council of a city which fixes such a charge may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such city. The council may not, however, fix a monthly charge in excess of ten dollars (\$10) per acre, either on an area or frontage basis, or in excess of five dollars (\$5) for a parcel or frontage of less than an acre.

A city may collect the standby or availability charge by billing the charged lands on a monthly or fiscal year basis.

A city may collect the standby or availability charge as a part of the annual general county tax bill provided the city furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel.

If the city collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 2. Section 38744 is added to the Government Code, to read:

38744. If any water standby charge authorized to be collected pursuant to Section 38743 remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the city is located is required by law to levy county general taxes, a 6-percent penalty shall accrue upon the amount unpaid. The amount of the unpaid standby charge, plus the penalty, shall constitute a lien upon the land for which the standby charge is unpaid and shall be collected in the same manner and at the same time as that applicable for the collection of unpaid or delinquent

county general taxes. The amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the county tax bill separately from all other taxes.

At least 15 days before the first day of the month in which the board of supervisors is required by law to levy county general taxes, the city council shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the city upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land.

SEC. 3. Section 38745 is added to the Government Code, to read: 38745. Notwithstanding any other provision of law, the city council of a city may, by resolution, establish zones or areas of benefit within the city for purposes of restricting the imposition of the water service standby or immediate availability charges authorized in Section 38743 to lands within such zones according to the benefit such land derives from the immediate availability of water, whether such water is actually used or not.

Proceedings for establishment of such zones or areas of benefit by resolution of the city council shall be initiated, conducted and completed as follows:

(a) Such resolution shall:

(1) State that a zone or area of benefit within the city is proposed to be established for the purposes enumerated in this section, and describe the boundaries of the territory proposed for inclusion in the area.

(2) State the name proposed for the area in substantially the following form: "Water Service Zone (or Area of Benefit) No. ____."

(3) State the type or types of services already provided or proposed to be provided within the area pursuant to this section.

(4) Fix a time and place for a public hearing on the establishment of the area which shall be not less than 30 nor more than 60 days after the adoption of the resolution.

(b) The city council shall publish notice of the hearing in a newspaper of general circulation published in the city or if there is no newspaper published in the city then it shall be published in a newspaper of general circulation which is circulated in the area. Publication shall be complete at least seven days prior to the date of the hearing.

The notice shall:

(1) Contain the text of the resolution.

(2) State the time and place for the hearing.

(3) State that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the area, the extent of the area or the furnishing of specified types of extended services will be heard.

(c) At the hearing protests against the establishment of the area, the extent of the area or the furnishing of specified types of services within the area may be made orally or in writing by any interested

persons or taxpayers. Any protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities and defects to which objection is made. All written protests must be filed in the office of the city council on or before the time fixed for the hearing. The city council may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings.

Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

CHAPTER 103

An act to amend Sections 6702, 7853, 8954, 10053, 30313, and 32383 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 6702 of the Revenue and Taxation Code, as amended by Chapter 1634 of the Statutes of the 1971 Regular Session, is amended to read:

6702. If any person is delinquent in the payment of the amount required to be paid by him or in the event a determination has been made against him which remains unpaid, the board may, not later than three years after the payment became delinquent, or within 10 years after the last recording of an abstract under Section 6738 or of a certificate under Section 6757, give notice thereof personally or by registered mail to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the delinquent, or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or such person. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier. All persons so notified shall forthwith after receipt of the notice advise the board of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the

possession or under the control of a bank, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest and penalty due from the person. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld hereunder, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the state for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

SEC. 2. Section 7853 of the Revenue and Taxation Code is amended to read:

7853. All persons so notified shall forthwith after receipt of the notice advise the Controller of all credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest and penalty due from the person.

SEC. 3. Section 8954 of the Revenue and Taxation Code is amended to read:

8954. All persons so notified shall forthwith after receipt of the notice advise the board of all credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the

amount, interest and penalty due from the person.

SEC. 4. Section 10053 of the Revenue and Taxation Code is amended to read:

10053. All persons so notified shall forthwith after receipt of the notice advise the Controller of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest and penalty due from the person.

SEC. 5. Section 30313 of the Revenue and Taxation Code is amended to read:

30313. All persons so notified shall forthwith after receipt of the notice advise the board of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest and penalty due from the person.

SEC. 6. Section 32383 of the Revenue and Taxation Code is amended to read:

32383. All persons so notified shall forthwith after receipt of the notice advise the board of all credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall state the amount, interest and penalty due from the person and shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. Notwithstanding any other provision, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of two times the amount, interest and penalty due from the person.

SEC. 7. The provisions of this act shall become operative on the first day of the first calendar quarter succeeding the effective date of this act.

CHAPTER 104

An act to amend Sections 24331, 24332, 24333, 24335, and 24340 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 24331 of the Health and Safety Code is amended to read:

24331. The board of supervisors of each county may by a vote of its members appoint two of its members to meet with an equal number appointed in a like manner from the other counties and agree to form one district, which agreement, upon ratification by the several boards of supervisors, shall create one district out of the several districts. Such agreement shall provide for the voting procedure on the air pollution control board, and shall specify the number of supervisors who shall serve from each county and the weight the vote of each member shall be accorded. If less than all of the supervisors of a county serve, the board of supervisors of such county shall, from time to time as necessary, select members to serve on the unified air pollution control board. The agreement shall provide a procedure for its modification or termination.

SEC. 2. Section 24332 of the Health and Safety Code is amended to read:

24332. The boundaries of the unified air pollution control district shall be the same as the boundaries of the several counties of which it is comprised, or the balance of a county not in a regional air pollution control district, or such portion of a county as may be agreed upon. A county may be in two or more unified or regional districts.

SEC. 3. Section 24333 of the Health and Safety Code is amended to read:

24333. The air pollution control board may designate zones within the unified district which may be along county boundaries.

SEC. 4. Section 24335 of the Health and Safety Code is amended to read:

24335. The boards of supervisors of each county comprising the unified district, or such lesser number as may be designated in the agreement ratified pursuant to Section 24331, shall be, ex officio, the air pollution control board of the district.

SEC. 5. Section 24340 of the Health and Safety Code is amended

to read:

24340. By the agreement ratified pursuant to Section 24340 or by resolution, a county treasurer of a member county shall be designated and shall act as the unified air pollution control district treasurer.

SEC. 6. Nothing in this act shall be deemed to invalidate any agreement under Section 24331 of the Health and Safety Code prior to the effective date of amendments to that section enacted at the 1972 Regular Session of the Legislature or any resolutions, rules, regulations, or act of any existing unified air pollution control district. Existing districts are authorized to make any changes they deem advisable pursuant to this act.

CHAPTER 105

An act to amend Section 203 of the Revenue and Taxation Code, relating to the college exemption from property taxation.

[Approved by Governor June 2, 1972 Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 203 of the Revenue and Taxation Code is amended to read:

203. The college exemption is as specified in Section 1a of Article XIII of the Constitution.

An educational institution of collegiate grade is an institution incorporated as a college or seminary of learning under the laws of this state, which requires for regular admission the completion of a four-year high school course or its equivalent, and confers upon its graduates at least one academic or professional degree, based on a course of at least two years in liberal arts and sciences, or on a course of at least three years in professional studies, such as law, theology, education, medicine, dentistry, engineering, veterinary medicine, pharmacy, architecture, fine arts, commerce, or journalism.

An educational institution of collegiate grade is not conducted for profit when it is conducted exclusively for scientific or educational purposes and no part of its net income inures to the benefit of any private person.

SEC. 2. Section 1 of this act shall become operative on the lien date in 1973.

CHAPTER 106

An act to amend Section 31108 of the Government Code, relating to county employees.

[Approved by Governor June 2, 1972. Filed with Secretary of State June 2, 1972.]

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

SECTION 1. Section 31108 of the Government Code, as amended by Chapter 731, Statutes of 1971, is amended to read:

31108. Any ordinance adopted pursuant to this part shall include substantially the following provisions:

(a) Any officer or employee in the classified civil service may be dismissed, suspended, or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by a written order, stating specifically the reasons for the action. The order shall be filed with the clerk of the board of supervisors or, if there is a county personnel officer, the order shall be filed with the county personnel officer and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced.

(b) The officer or employee may reply in writing to the order within 10 days from the date of its filing with the clerk of the board of supervisors or county personnel officer. The officer or employee may within seven days after presentation to him of the order appeal through the clerk of the board of supervisors or county personnel officer to the civil service commission from the order. Upon the filing of the appeal, the clerk of the board of supervisors or county personnel officer shall forthwith transmit the order and appeal to the civil service commission for hearing.

(c) Within 20 days from the filing of the appeal the commission shall commence a hearing, and either affirm, modify, or revoke the order. The appellant may appear personally, produce evidence, and have counsel and a public hearing.

(d) The findings and decision of the commission shall be certified to the department head or officer whose action was the subject of the hearing and forthwith enforced and followed by him.

CHAPTER 107

An act to add Section 54934 to the Government Code, relating to recreation and park districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 54934 is added to the Government Code, to read:

54934. Notwithstanding Sections 54902 and 54903 or any other provision of this chapter, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code, whose formation election shall have been held not later than June 6, 1972, if otherwise qualified for formation, shall be effective for assessment and taxation purposes for the fiscal year 1972-73 if the statement and map or plat required by Section 54900 are filed with the assessor and the State Board of Equalization on or before June 30, 1972.

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

To enable recreation and park districts whose formations were completed after January 1, 1972, to levy taxes or assessments to meet their essential and vital needs during the 1972-73 fiscal year, it is necessary that this act take effect immediately.

 CHAPTER 108

An act to amend Section 22171 of the Water Code, relating to irrigation districts.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 22171 of the Water Code is amended to read:

22171. The board may, in its discretion, by resolution call an election to be held in the district to determine whether or not the district should provide for sewage disposal in all or any portion of the district. The ballots shall contain the following statement of the proposal:

“Shall the _____ Irrigation District provide for sewage disposal, or acquire existing sewage disposal facilities, within that portion of

the district, and in the manner, set forth in the proposed application to the _____ Local Agency Formation Commission, dated _____, a copy of which application is on file in the office of the district." Such proposal shall be followed by the words "Yes" and "No" on separate lines with a small enclosed space after each of the two words.

CHAPTER 109

An act to amend Section 2873.5 of the Business and Professions Code, relating to licensed vocational nurses.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 2873.5 of the Business and Professions Code, as amended by Chapter 441 of the Statutes of 1971, is amended to read:

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces, in which no less than an aggregate of 12 months was spent in rendering patient care, and who has completed the basic course of instruction in nursing required by his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, shall be granted a license upon proof that he possesses the necessary qualifications of this section, as set forth in his service records, and upon his passing an examination.

CHAPTER 110

An act to add Section 66504.1 to the Government Code, relating to the Metropolitan Transportation Commission, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 66504.1 is added to the Government Code, to read:

66504.1. The members shall serve without compensation and shall receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties; provided, however, that in lieu of such reimbursement for

attendance at commission or committee meetings, each member of the commission shall receive a per diem of twenty-five dollars (\$25) plus ten cents (\$.10) per mile travel allowance, therefor, not to exceed a combined total of four such meetings in any one calendar month.

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

In order that meetings of the Metropolitan Transportation Commission be adequately attended and the vital work of the commission executed with dispatch it is imperative that its members receive reimbursement of expenses.

CHAPTER 111

An act to repeal Chapter 3 (commencing with Section 2600) of Part 9 of Division 2 of the Labor Code, relating to the registration of factories.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Chapter 3 (commencing with Section 2600) of Part 9 of Division 2 of the Labor Code is repealed.

CHAPTER 112

An act to amend Section 68 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 68 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 68. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by

resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds, interest during construction and for one year thereafter, initial working capital, operating and maintenance costs during construction and for one year thereafter, costs of utility relocation, costs of engineering, planning, design and inspection, and costs of acquiring rights-of-way; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 6 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

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

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

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

In order that the water distribution system of the Antelope Valley-East Kern Water Agency, which is to be financed by the bonds, will be completed at the earliest possible time in order to provide urgently needed water for beneficial use within the agency, it is necessary that this act go into immediate effect.

CHAPTER 113

An act to repeal Section 30700.7 of the Water Code, relating to county water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 30700.7 of the Water Code is repealed.

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

Additional water development facilities are urgently needed in the Kings County Water District, and such facilities cannot be financed by the sale of bonds until the provisions limiting the right to vote in the district to landowners is repealed. In order, therefore, to provide urgently needed facilities for the protection of the public health in the Kings County Water District at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 114

An act to amend Section 20704 of the Education Code, relating to school district taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 20704 of the Education Code is amended to read:

20704. The board of supervisors shall determine the rate of district tax necessary to be levied as follows:

(a) They shall divide the amount of taxes as required to be raised by the unequalized value of the secured roll of the last assessment roll of the district after due allowance for delinquencies. The rate shall be such as will produce the amount determined as necessary to be raised by taxation on the secured roll.

(b) Except in counties that distribute property taxes according to Chapter 3 (commencing with Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code, the allowance for delinquencies shall be fixed by determining for three consecutive years of the preceding four years the percentage that the combined amounts of taxes uncollected at the end of each year bear to the total amount of taxes levied for those years.

(c) In counties that distribute property taxes according to Chapter 3 (commencing with Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code, an allowance for subsequent additions, cancellations, and corrections affecting the tax roll shall be fixed by determining for three consecutive years of the preceding four years the percentage that the combined amounts of such items at the end of each year bear to the total amount of taxes levied for those years.

An allowance for delinquencies may be fixed for which the maximum limit is established by determining for three consecutive years of the preceding four years the percentage that the combined amounts of all county levied uncollected taxes at the end of each year bears to the amount of all county levied taxes for those years.

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

The determination of the percentage of delinquency with respect to collection of school district taxes is necessary in the completion of school district budgets. Under existing law, the percentage of delinquency is determined on the last three preceding years. Use of the percentage of three consecutive years of the preceding four years provides county auditors with greater flexibility to clear the books and make the calculations in time for school district budget publication dates. In order that the revision in the determination procedure can be utilized for the 1972-1973 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 115

An act to amend Section 18612 of the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 18612 of the Health and Safety Code is amended to read:

18612. (a) Each mobilehome shall have access from the mobilehome lot to a driveway of not less than 25 feet in clear width. All driveways shall have clear and unobstructed access to a public thoroughfare, except that any driveway may have security gates if such security gates are not in violation of local requirements adopted pursuant to Section 18300.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, each mobilehome shall have access, from the mobilehome lot, to a driveway not less than 15 feet in width.

CHAPTER 116

An act relating to the boundaries of street lighting districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Notwithstanding the provisions of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, if the statement and map or plat of a street lighting district required by Sections 54900 to 54902, inclusive, of such code are filed with the assessor and the State Board of Equalization on or before March 1, 1972, the county tax officials shall levy and collect property taxes for such district for the 1972-1973 fiscal year.

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

At least one street lighting district failed to file the necessary documents in a timely manner in order to have its property taxes collected for it by the county for the 1972-1973 fiscal year, which means that the district will be without funds to carry out its functions for such year. In order to remedy this situation for all street lighting districts similarly situated at the earliest possible time, it is necessary for this act to go into immediate effect.

CHAPTER 117

An act to amend Sections 14674 and 14695 of the Education Code, relating to school district retirement plans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1972. Filed with
Secretary of State June 2, 1972.]

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

SECTION 1. Section 14674 of the Education Code is amended to read:

14674. The governing board of a district establishing the retirement plan, shall provide for the administration of the funds and the payment of retirement salaries by a "district retirement board" to be composed of not less than three nor more than seven members. The governing board of the district shall be represented upon the retirement board, and the teachers subject to the plan shall be represented by representatives chosen by the teachers by secret ballot. The county treasurer of the county in which the district establishing the plan is located, shall be ex officio a member of the district retirement board. The representatives of the governing board on the "district retirement board," if not members of the plan, shall be paid fifty dollars (\$50) per meeting not to exceed one meeting per month. The compensation shall be a charge against the district retirement fund. All members of the retirement board shall serve for such terms as may be specified by the governing board in establishing the plan. The district retirement board shall have such further powers and duties as may be prescribed by the governing board of the district.

SEC. 2. Section 14695 of the Education Code is amended to read:

14695. The balance of the assets delivered to the district pursuant to subdivision (c) of Section 14694, after the transfers, deposits and payments required by such section, or after establishment of reserves from which such deposits and payments shall be made, shall be allocated and distributed as follows:

(a) Sixty-five percent of such balance shall be distributed to the undistributed reserve of the general fund of the district to be reduced to cash as necessary and appropriated in any year by majority vote of the governing board. Until the balance of the assets has been reduced to cash, the governing board may invest and reinvest the assets in securities legal for the investment of funds of the State Teachers' Retirement System when in the judgment of the governing board any sale and reinvestment is advisable. Ten percent of this amount shall be used only for maintenance operation.

(b) Twenty percent of such balance shall be transferred to a special account in the undistributed reserve of the district's general fund to be reduced to cash as necessary in order to be used only for the purpose of reducing the tax collected pursuant to Section 14111 in order to provide the contributions required by Section 14100 to the Teacher's Retirement Fund. In the event that the special account is not wholly distributed for the purpose of making such contribution, the balance in the special account shall be released to the undistributed reserve. Until the balance of the assets has been reduced to cash, the governing board may invest and reinvest the assets in securities legal for the investment of funds of the State Teachers' Retirement System when in the judgment of the governing board any sale and reinvestment is advisable.

(c) Fifteen percent of such balance shall be held intact by the district in an annuity reserve fund from which shall be provided a supplementary annuity at time of retirement under any California public retirement system to or on behalf of those members of the local district retirement system who were on the active roll or members on the retired roll of such local district retirement system as of June 30, 1972, and those members added to the active and retired rolls between June 30, 1972, and any later date of discontinuance, and those probationary or permanent certificated employees of the district holding memberships in California public retirement systems other than the local district retirement system who are making contributions to such systems on June 30, 1972, or on any later date of discontinuance. The supplemental annuity may be paid in lump sum or in installments for the life of the person eligible, or his beneficiary, after his retirement.

No such participant in the annuity reserve fund shall have vested rights to the benefits of this annuity reserve fund until he has continued in active service for a period of five years from the date of discontinuance of the local district retirement system, except participants who have separated from service by reason of retirement, including deferred retirement, or death.

An account shall be opened in the name of each person eligible to participate in the benefits of the annuity reserve fund to which shall be credited his share of the annuity reserve fund. The individual participant's share of this fund shall bear the same ratio to the total of this fund as his annuity savings contributions, including interest earned, to the retirement system, to which he is making annuity contributions as of June 30, 1972, or any later date of discontinuance, or, if a retired member, the date of retirement prior to June 30, 1972, bears to the total annuity savings contributions, including interest earned, of all such participants in the retirement systems to which they are making contributions at the date of discontinuance, including total contributions to the local district retirement system previously made by living members on the retired roll. The fund shall include principal and interest in the account of any participant forfeited because said participant separated from service, except by

reason of retirement, including deferred retirement, or death, within five years from June 30, 1972, or other date of discontinuance. Such forfeiture shall be treated as earnings of the fund.

As of June 30 each year, the earnings of the preceding 12 months less administrative expense shall be credited to the accounts of the remaining participants in the annuity reserve fund on the ratio that the participant's individual account balance bears to the total balance of the annuity reserve fund. The cost of administering the fund shall be charged against the assets of the fund, as approved by the governing board of the school district.

If a participant separates from service prior to June 30, of any year, the earnings since the preceding June 30 shall remain in the fund. Any member whose accumulated contributions to the local retirement system exceed the amount required by law to be deposited by the member in the State Teachers' Retirement System's Annuity Fund upon discontinuance of the local system may deposit to his credit all or part of such excess amount in the annuity reserve fund.

The governing board of the school district which maintained the discontinued local district retirement system shall establish an annuity reserve fund board of not more than seven members, the majority of whom shall be composed of certificated employees who are participants in the annuity reserve fund. The certificated employees on the annuity reserve fund board shall be elected by participants in the annuity reserve fund. The annuity reserve fund board shall have the authority to make rules and regulations necessary for the management of the annuity reserve fund in accordance with modern business practice. The local district retirement board shall continue to function as the annuity reserve board pending its establishment.

Annuity reserve fund board shall invest the funds in securities which are legal for the investment of funds of the State Teachers' Retirement System and shall sell the securities and reinvest the proceeds in securities legal for the investment of funds of the State Teachers' Retirement System when in the judgment of the annuity reserve fund board any sale and reinvestment is advisable.

All securities and cash of the annuity reserve fund shall be held in a trust fund in the county treasury. The county treasurer, as one of his official duties, shall be a member ex officio of the annuity reserve fund board established to invest the assets of this fund.

Any funds raised for the support of the local district retirement system and not appropriated to any specific account shall be transferred to the annuity reserve fund. All payments from the district's annuity reserve fund shall be made in the same manner as payments from school district funds.

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

This act assures the maintenance of the morale and general welfare of the active membership of the local retirement system and of those members of the local retirement system planning to retire this year. A delay in the passage of this act would create an undue hardship on the employees of this district and would place them in a more disadvantageous position than other certificated employees in this state.

Giving this act immediate effect would alleviate anticipated problems caused by possible layoffs of certificated personnel resulting from budgetary problems arising during the ensuing fiscal year.

Assembly Bill 543 of the 1971 Regular Session (Chapter 1305 of the Statutes of 1971) specifies an effective date of July 1, 1972, for the merging of local retirement systems into the State Teachers' Retirement System. The immediate approval of this act will enable State Teachers' Retirement System to make the necessary preparation for such a merger.

The fiscal planning of a school district whose local district retirement system is being discontinued would be greatly impeded unless this act is given immediate effect.

CHAPTER 118

An act to add Section 395.5 to the Code of Civil Procedure, and to add Sections 128 and 129 to the Corporations Code, relating to codification of various provisions to be omitted from the California Constitution in its revision, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1972. Filed with
Secretary of State June 5, 1972.]

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

SECTION 1. Section 395.5 is added to the Code of Civil Procedure, to read:

395.5. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

SEC. 2. Section 128 is added to the Corporations Code, to read:

128. A corporation or association may be sued as provided in Section 395.5 of the Code of Civil Procedure.

SEC. 3. Section 129 is added to the Corporations Code, to read:

129. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

SEC. 4. This act shall become operative only if Senate Constitutional Amendment No. 6 of the 1972 Regular Session is adopted by the people, in which event it shall become operative at the same time as Senate Constitutional Amendment No. 6.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act codifies some of the provisions of the California Constitution which will be deleted if Senate Constitutional Amendment No. 6 of the 1972 Regular Session is adopted by the people on June 6, 1972. Since this act would not otherwise take effect on such date, it is necessary that this act take effect immediately in order to prevent a lapse in the law in the event that such constitutional amendment is adopted by the people.

CHAPTER 119

An act to amend Section 3002 of the Fish and Game Code, and to amend Section 6530 of the Penal Code, relating to sea mammals.

[Approved by Governor June 5, 1972. Filed with Secretary of State June 5, 1972.]

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

SECTION 1. Section 3002 of the Fish and Game Code is amended to read:

3002. It is unlawful to shoot at any game bird or mammal, except sea lions as provided in Section 4500 and seals as provided in Section 4500.5 from a powerboat, sailboat, motor vehicle, or airplane.

SEC. 2. Section 6530 of the Penal Code is amended to read:

6530. It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any alligator, crocodile, polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canus lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (*Delphinidae*), or Spanish lynx.

Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail for not to exceed six months, or both such fine and imprisonment, for each violation.

SEC. 3. This act shall not prohibit the sale or the possession with the intent to sell of any part or product of any dolphin or porpoise (*Delphinidae*) when the seller can demonstrate that such part or

product was imported into this state prior to the effective date of this act.

CHAPTER 120

An act to amend Sections 34270, 34271, 34272, and 34276 of the Health and Safety Code, relating to housing authorities.

[Approved by Governor June 5, 1972 Filed with
Secretary of State June 5, 1972.]

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

SECTION 1. Section 34270 of the Health and Safety Code is amended to read:

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body, shall appoint either five or seven persons as commissioners of the authority. The mayor may appoint two additional commissioners to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature. If seven, rather than five, commissioners are appointed, the two additional commissioners shall be project tenants and one shall be a senior citizen over 62 years of age. If the office of the mayor is not elective, the city governing body shall make the appointments.

SEC. 2. Section 34271 of the Health and Safety Code is amended to read:

34271. When the governing body of a county adopts such a resolution it shall appoint either five or seven persons as commissioners of the authority. The governing body may appoint two additional commissioners to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature. If seven, rather than five, commissioners are appointed, the two additional commissioners shall be project tenants and one shall be a senior citizen over 62 years of age.

SEC. 3. Section 34272 of the Health and Safety Code is amended to read:

34272. In the case of a commission of five persons, three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four

years from the date of their appointments. In the case of a commission of seven persons, four of the commissioners first appointed shall be designated to serve for terms of one, two, three, and four years, respectively, and three shall be designated to serve for terms of four years from the date of their appointments. If two commissioners are added to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature, such commissioners shall serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. If a tenant commissioner ceases to be a tenant of the authority, he shall be disqualified as commissioner and another tenant shall be appointed to fill the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the authority is created, but notwithstanding any other law, he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

SEC. 4. Section 34276 of the Health and Safety Code is amended to read:

34276. In the case of a commission of five persons, three commissioners constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes while in the case of a commission of seven persons, four commissioners constitute a quorum for such purposes. Action may be taken by the authority upon a vote of a majority of the commissioners empowered to vote, unless in any case the bylaws of the authority require a larger number.

CHAPTER 121

An act to add Section 24.1 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to Alameda County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1972. Filed with
Secretary of State June 5, 1972.]

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

SECTION 1. Section 24.1 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), to read:

Sec. 24.1. In addition to proceedings authorized under Sections 13, 14, 15, 16, 17, 18 and 24 of this act, whenever the board determines that it is in the public interest, it may borrow money to provide funds to pay the cost of any work or improvement in the district or in any zone or zones thereof by the issuance of revenue bonds pursuant to the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1, Division 2, Title 5 of the Government Code). If the work or improvement is determined by the board to be for a zone or zones comprising less than all of the district, the election at which the proposition to issue such revenue bonds is submitted shall be held only in such zone or zones. In the case of any conflict between the provisions of this act and the provisions of the Revenue Bond Law of 1941, the provisions of the Revenue Bond Law of 1941 shall control.

No proceeding shall be commenced or taken by the board under this section for the issuance of revenue bonds to pay the cost of any work or improvement in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of such zone board to the issuance of such revenue bonds. Revenue bonds shall not be considered in determining the limitation contained in the last paragraph of subparagraph 8 of Section 36 of this act nor in the application of Section 20 of this act.

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

It is necessary for the Alameda County Flood Control and Water Conservation District to construct needed improvements to its water supply system in Zone No. 7 in order to provide sufficient capacity to supply water to that zone, which water the district, on behalf of the zone, is entitled to receive from the State Water Resources Development System. An election in 1970 to authorize general obligation bonds for the project was unsuccessful, and although the project will be self-supporting, the district's enabling act contains no

provision authorizing the district to issue revenue bonds on behalf of a zone of the district. Unless this act takes effect immediately, the district will not be able to issue revenue bonds for the zone within the time necessary to provide such improvements when needed.

CHAPTER 122

An act to repeal Section 8 of Chapter 1038 of the Statutes of 1970, relating to bonds.

[Approved by Governor June 5, 1972. Filed with
Secretary of State June 5, 1972]

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

SECTION 1. Section 8 of Chapter 1038 of the Statutes of 1970 is repealed.

CHAPTER 123

An act to amend Section 6423 of the Education Code, relating to public schools.

[Approved by Governor June 7, 1972. Filed with
Secretary of State June 7, 1972]

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

SECTION 1. Section 6423 of the Education Code, as amended by Chapter 868 of the Statutes of 1971, is amended to read:

6423. The governing board of any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board, subject to such terms and conditions as may be agreed upon, may contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

The county superintendent may, with the approval of the county board of education and the governing board of the school district, provide programs under the provisions of this article, and transportation therefor, for mentally gifted minors who reside in any school district. For such purposes the terms "school district" and "governing board of a school district," as used in this article, shall be deemed to include the county superintendent of schools.

"Programs," as used in this article, shall consist of a special day

class, or special services or activities which are provided each participating pupil for an amount of time each week which shall average a minimum of one class period per day. A program may qualify for one semester of pupil participation if it consists of special services or activities which are provided each participating pupil for 200 minutes per week for 17 weeks through two semesters (to be reported at the end of the second semester) or for 60 hours per semester during eight or more weeks of a given semester or for 120 minutes per day for 20 days during a summer session. The State Board of Education shall define a special day class and the special services or activities which may be provided.

Beginning July 1, 1970, any proposed program for mentally gifted minors shall receive prior approval of the Superintendent of Public Instruction before any apportionment is made under this article.

CHAPTER 124

An act to add Section 7030.5 to the Business and Professions Code, relating to contractors.

[Approved by Governor June 7, 1972. Filed with
Secretary of State June 7, 1972.]

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

SECTION 1. Section 7030.5 is added to the Business and Professions Code, to read:

7030.5. Every person licensed pursuant to this chapter shall include his license number in all construction contracts, subcontracts, calls for bid, and all forms of advertising as a contractor used by such person. As used in this section, "advertising" has the meaning given it in Section 7026.7.

SEC. 2. Section 1 of this act shall become operative on July 1, 1973.

CHAPTER 125

An act to amend Sections 7028 and 7028.1 of the Business and Professions Code, relating to licensing of contractors.

[Approved by Governor June 7, 1972. Filed with
Secretary of State June 7, 1972.]

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

SECTION 1. Section 7028 of the Business and Professions Code is amended to read:

7028. It is a misdemeanor for any person to engage in the business or act in the capacity of a contractor within this state without having a license therefor, unless such person is particularly exempted from the provisions of this chapter. If such a person has been previously convicted of the offense described in this section, the court shall impose a fine of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000), or imprisonment in the county jail for not less than 10 days nor more than six months, or both.

SEC. 2. Section 7028.1 of the Business and Professions Code is amended to read:

7028.1. Any person who shall accept or receive a completion certificate or other evidence that performance of a contract for a work of improvement, including but not limited to a home improvement, is complete or satisfactorily concluded, with knowledge that such document is false and that the performance is not substantially completed, and who shall utter, offer, or use such document in connection with the making or accepting of any assignment or negotiation of the right to receive any payment from the owner, under or in connection with such a contract, or for the purpose of obtaining or granting any credit or loan on the security of the right to receive any payment shall be guilty of a misdemeanor and subject to a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or to imprisonment in the county jail for a term of not less than one month nor more than one year, or both.

CHAPTER 126

An act to amend Section 5090 of the Business and Professions Code, relating to accountants.

[Approved by Governor June 7, 1972. Filed with
Secretary of State June 7, 1972.]

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

SECTION 1. Section 5090 of the Business and Professions Code is amended to read:

5090. A candidate who fails an examination provided for herein shall have the right to any number of reexaminations at subsequent examinations held by the board. A candidate, except one who qualifies for admission to the examination under subdivision (d) of Section 5081.1, who passes an examination in two or more subjects or in the subject of accounting practice alone shall have the right to be reexamined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining

subject or subjects within a period of time specified in the rules of the board, he shall be considered to have passed the examination. A candidate who qualifies for admission to the examination under subdivision (d) of Section 5081.1 and who passes an examination in one or more subjects shall have the right to be reexamined in the remaining subject or subjects only, at subsequent examinations held by the board, and if he passes in the remaining subject or subjects within a period of five years, he shall be considered to have passed the examination.

The board may give credit to a candidate who has passed all or part of the examination in another state or territory, if the certified public accountant members of the board determines that the standards under which the examination was held are as high as the standards established for the examination in this chapter.

CHAPTER 127

An act to add Chapter 6 (commencing with Section 5800) to Division 5 of the Public Resources Code, relating to public lands.

[Approved by Governor June 7, 1972 Filed with
Secretary of State June 7, 1972]

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

SECTION 1. Chapter 6 (commencing with Section 5800) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 6. WATERSHED LANDS

5800. As used in this chapter "public entity" means any county, city, or public district.

5801. Whenever any public entity acquires, or has acquired, land for the purpose of watershed protection, it shall not sell such land without complying with the provisions of this chapter. As used in this section, "land" does not include easements.

5802. Except as provided in Section 5803, all sales by a public entity of land described in Section 5801 shall first be approved by ordinance which shall state that it is subject to the provisions for referendum applicable to such public entity.

Any ordinance subject to referendum under this section shall be published after adoption as required by law for ordinances of the public entity generally, or, if there be no such requirement applicable to such ordinance, then once, pursuant to the provisions of Section 6040 to 6044, inclusive, of the Government Code, within 15 days after the adoption of such ordinance.

Any petition protesting the adoption of the ordinance shall be filed with the public entity within 30 days from the date of final passage

of the ordinance.

5803. This chapter shall not apply to sales or exchanges to adjacent landowners, sales incident to land acquisitions, sales or transfers to other public entities, or sales of parcels of 10 acres or less in size, except that any such sales or transfers shall be approved at a public meeting of the governing body of the public entity.

5804. If a public entity does not have statutory power to enact ordinances, the governing body of such public entity is hereby empowered to introduce and enact the ordinance required by Section 5802 at any regular or adjourned regular meeting.

CHAPTER 128

An act to add Section 25210.4b to the Government Code, relating to county service areas.

[Approved by Governor June 7, 1972. Filed with Secretary of State June 7, 1972.]

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

SECTION 1. Section 25210.4b is added to the Government Code, to read:

25210.4b. Notwithstanding the provisions of Section 25210.4, a county service area may be established in a county of the 46th class or a county of the 56th class to provide, as an extended service, an unlimited number of television translators and an unlimited number of television channels.

CHAPTER 129

An act to amend Sections 4437 and 4438 of the Public Resources Code, relating to forest products, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1972. Filed with Secretary of State June 7, 1972.]

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

SECTION 1. Section 4437 of the Public Resources Code is amended to read:

4437. Outside the exterior boundaries of cities every processor of forest products shall exercise due diligence in the disposal of flammable material incident to such processing, so that the material does not cause the inception or spread of uncontrolled fire.

Every person, copartnership, firm, corporation, or company that

operates a sawmill or plant engaged in the processing or converting of forest products into lumber, shook, ties, poles, posts, veneer, shakes, shingles, planed, or milled products, shall dispose of flammable material incident to such operation. If such flammable material is not to be used as fuel, or as a byproduct of the operation, it shall be disposed of by burning or by other alternative methods which effectively prevent the flammable material from constituting a fire hazard. Such disposal of waste flammable material shall be made in any of the ways which are prescribed in Section 4438, 4439, or 4440.

SEC. 2. Section 4438 of the Public Resources Code is amended to read:

4438. Waste flammable material incident to the processing of forest products may be disposed of by means of fire in an enclosed device effective in preventing the spread of sparks or fire, situated in an area cleared of grass, grain, brush, slash, litter, and snags for a distance of 100 feet surrounding the device or by landfill or other methods which meet applicable state and local fire safety and air and water quality standards. Such disposal shall be done in compliance with regulations established by the director in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code for the purpose of eliminating the potential of fire or other safety hazards resulting from spontaneous combustion or other ignition sources.

A burning permit shall be obtained for the use of the device pursuant to Section 4423 and all other provisions of law.

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

The required burning of wastes from processing forest products yields serious amount of air pollution. To prevent such air pollution and potential hazard to the public health, alternative, less polluting, methods must be made available immediately for disposal of these wastes.

CHAPTER 130

An act to permit late filing of documents by fire protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1972. Filed with
Secretary of State June 7, 1972.]

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

SECTION 1. Notwithstanding the provisions of Sections 54902 and 54903 of the Government Code, any change of boundaries by a fire protection district shall be valid for the 1972-1973 fiscal year for all purposes under Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of such code, if the annexation by such district is completed prior to the effective date of this section and the statement and map or plat required by such chapter are filed prior to February 1, 1972.

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

Some fire protection districts have annexed additional territory but have failed to file the necessary documents in a timely fashion in order to have the county levy and collect the district's taxes on the annexed property for the 1972-1973 fiscal year. It is necessary to remedy this situation as soon as possible and, therefore, this act shall go into immediate effect.

CHAPTER 131

An act to amend Sections 74662, 74663, 74664, 74665, 74666, and 74674 of, and to add Section 74661.5 to, the Government Code, relating to courts.

[Approved by Governor June 8, 1972. Filed with
Secretary of State June 8, 1972.]

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

SECTION 1. Section 74661.5 is added to the Government Code, to read:

74661.5. The judges of the San Jose-Milpitas Judicial District may appoint two commissioners. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Each commissioner shall hold office at the pleasure of the judges and shall receive a salary equal to eighty-one and one-half percent (81.5%) of the salary of a judge of the municipal court. Each commissioner shall be ex officio deputy clerk of the court and shall be a member of any retirement system which includes attachés of the court and shall receive the same fringe benefits as granted to such attachés.

One commissioner shall not be appointed before July 1, 1973.

SEC. 1.5. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 54.5. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a salary as

specified in range 49.5.

(b) Four deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 42.5.

(c) Twenty deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.5.

(d) Thirty-seven deputy court clerks, grade II, each of whom shall receive a salary as specified in range 36.0.

(e) Nineteen deputy court clerks, grade I, each of whom shall receive a salary as specified in range 33.0.

SEC. 2. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 51.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 46.5.

(b) Five deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.5.

(c) Seven deputy court clerks, grade II, each of whom shall receive a salary as specified in range 36.0.

(d) Five deputy court clerks, grade I, each of whom shall receive a salary as specified in range 33.0.

SEC. 3. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 51.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 46.5.

(b) Two deputy court clerks, grade III, who shall receive a salary as specified in range 41.5.

(c) Four deputy court clerks, grade II, each of whom shall receive a salary as specified in range 36.0.

(d) Four deputy court clerks, grade I, each of whom shall receive a salary as specified in range 33.0.

SEC. 4. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 51.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 46.5.

(b) Three deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.5.

(c) Six deputy court clerks, grade II, each of whom shall receive a salary as specified in range 36.0.

(d) Three deputy court clerks, grade I, each of whom shall receive a salary as specified in range 33.0.

SEC. 5. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 52.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 47.5.

(b) Eight deputy court clerks, grade III, each of whom shall receive a salary as specified in range 41.5.

(c) Twelve deputy court clerks, grade II, each of whom shall receive a salary as specified in range 36.0.

(d) Ten deputy court clerks, grade I, each of whom shall receive a salary as specified in range 33.0.

SEC. 6. Section 74674 of the Government Code as amended by Chapter 184 of the 1971 Regular Session of the Legislature, is amended to read:

74674. In each of the municipal court districts in the County of Santa Clara, official reporters appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary as specified in range 49.0, which shall be a charge against the general fund of the county. Should the board of supervisors increase salaries or adopt a pay plan for official reporters in the superior court pursuant to Section 70046.1, the salary increase or pay plan shall apply equally for all official reporters in municipal courts, but all such changes or adjustments shall be effective only until 90 days after adjournment of the next following general session of the Legislature. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law, and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 132

An act to amend Section 3106 of the Education Code, relating to school district unification, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1972 Filed with
Secretary of State June 12, 1972]

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

SECTION 1. Section 3106 of the Education Code is amended to read:

3106. An elementary school which has been included in a unified district because of a reorganization of districts under provisions of this chapter shall be maintained as an elementary school by the unified district unless discontinued as provided in this section. The governing board of the unified district may adopt a resolution or order to discontinue the elementary school at any regular or special meeting of the board and the order or resolution shall be in effect after 30 days unless within this period of time a petition is filed with the governing board requesting the continuance of the school signed by the parents or guardians of at least 10 or one-third, whichever number is the greater, of children of elementary school age, who are eligible to attend such school at the time of the petition. The signature of one parent is sufficient to represent all of the children of such parent. The parents or guardians eligible to sign such petitions shall be residents within the boundaries of the component school district which maintained the school prior to the establishment of the unified school district, and shall be qualified electors within such district at the time the petition is filed, and shall have children of elementary school age who attend or are eligible to attend such school. If a school is discontinued as herein provided, the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

This section does not apply to any unified school district which has an average daily attendance of 15,000 or more or which was unified on or before July 1, 1963, or to a school which is five miles or less from another elementary school.

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

In several unified school districts there have been decreases in overall elementary student attendance at certain schools of component school districts that existed prior to the establishment of a unified school district. Since a number of these schools are no longer required to meet the educational needs of the community, it would be prudent to close some of these schools so that public money would not be wasted by keeping them open for another year. To authorize the mechanism of immediate closing of some of these schools, it is necessary that this act take immediate effect.

CHAPTER 133

An act to amend Section 49572 of the Agricultural Code, relating to plums, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1972. Filed with Secretary of State June 12, 1972.]

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

SECTION 1. Section 49572 of the Agricultural Code is amended to read:

49572. Damage to any one plum or fresh prune is serious if it is caused by any of the following:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth, except that healed growth cracks within the stem end cavity are not serious damage unless they are over five-eighths of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn which affects the flesh.

(d) Hail which results in one or more depressions over three-sixteenths of an inch in depth or which affects more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, if one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury if 15 percent or more of the surface of the plum or fresh prune is affected or which causes one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots if they cause the plum to be seriously malformed.

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

In order to conform to the federal standards in time to meet the needs of the current marketing season of plums and prunes, it is necessary that the provisions of this act become effective immediately.

CHAPTER 134

An act making an appropriation for state park system development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1972. Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. There is hereby appropriated from funds available for park acquisition in the Bagley Conservation Fund created pursuant to the provisions of subdivision (b) of Section 316 of Chapter 1 of the Statutes of 1971, First Extraordinary Session, to the Department of Parks and Recreation the sum of two hundred eighty thousand dollars (\$280,000), or so much thereof as may be necessary, for the construction of a building within the Old Town San Diego State Historic Park to house a collection of early California artifacts and a transportation museum.

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

A rare and substantial private collection of early California artifacts and a transportation museum, together with funds for its transfer, has been offered to the state as a donation upon condition that the state provide a suitable place for its public display. In order for the state to avail itself of the opportunity to acquire for the benefit of all the people of California this historically significant collection and transportation museum by gift, it is necessary for this act to take effect immediately.

CHAPTER 135

An act to amend Sections 74364, 74369 and 74374 of the Government Code, relating to courts.

[Approved by Governor June 12, 1972. Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. Section 74364 of the Government Code, as amended by Chapter 270 of the Statutes of 1971, is amended to read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 49.5, set forth in Section 74343.1. In no event shall the compensation of an assistant marshal be less than eight schedule ranges higher than that specified for the

position of captain.

(b) Two captains, who shall receive the monthly compensation specified in Schedule 46.5, set forth in Section 74343.1.

(c) Four lieutenants, each of whom shall receive the monthly compensation specified in Schedule 43.5, set forth in Section 74343.1.

(d) Fourteen sergeants, each of whom shall receive the monthly compensation specified in Schedule 40.5, set forth in Section 74343.1.

(e) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 39, set forth in Section 74343.1. Upon the occurrence of a vacancy, this position shall be replaced by adding one sergeant.

(f) One hundred and three deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 36.5, set forth in Section 74343.1, except that a deputy marshal shall be compensated at a monthly rate two ranges higher than prescribed in this subdivision when in possession of a basic peace officers standards and training certificate; four ranges higher than prescribed in this subdivision when in possession of an intermediate peace officer standards and training certificate; and five ranges higher than prescribed in this subdivision when in possession of an advanced peace officer standards and training certificate.

(g) Eight deputy marshal-stenographers, each of whom shall receive the monthly compensation specified in Schedule 30.5, set forth in Section 74343.1. The next five vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as senior typist.

(h) Four deputy marshal-matrons, who shall receive the monthly compensation specified in Schedule 36.5, set forth in Section 74343.1. In addition there shall be three part-time matrons who shall be employed as relief and additional help as needed.

(i) Eleven intermediate typists, who shall receive the monthly compensation specified in Schedule 26, set forth in Section 74343.1; provided that any intermediate typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be eight salary ranges higher than that specified for the position of intermediate typist as set forth in Section 74343.1.

(j) Three senior typists, each of whom shall receive the monthly compensation specified in Schedule 30, set forth in Section 74343.1, provided that any senior typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be four salary ranges higher than that specified for the position of senior typist as set forth in Section 74343.1.

(k) Two deputy marshal-cadets, each of whom shall receive the monthly compensation specified in Schedule 26.5, set forth in Section 74343.1.

(l) One supervising clerk who shall receive the monthly compensation specified in Schedule 33, set forth in Section 74343.1.

(m) Two junior typists, each of whom shall receive the monthly compensation specified in Schedule 22, set forth in Section 74343.1.

(n) Every person specified in subdivision (g), (i), (j), (l) or (m) who works a night shift shall be paid at the monthly rate specified in the schedule set forth in Section 74343.1 two ranges higher than the rate provided by the applicable subdivision. "Night shift" means an assigned work schedule of which not less than one-half of the total number of hours, plus one-half hour, are worked after 5 p.m. and before 8 a.m.

SEC. 2. Section 74369 of the Government Code, as amended by Chapter 270 of the Statutes of 1971, is amended to read:

74369. All persons holding positions on the 91st day after the 1972 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

SEC. 3. Section 74374 of the Government Code, as amended by Chapter 270 of the Statutes of 1971, is amended to read:

74374. The hereinafter enumerated classes of positions in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Each of such adjustments shall not be more than eight ranges. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1972 prior to the effective date of the 1972 amendment of this section, said adjustment shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of said 1972 amendment. Any salary adjustments made as a result of this section shall be effective only until 61 days after the adjournment of the 1975 Regular Session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Deputy sheriff-inspector
Captain	Deputy sheriff-captain
Lieutenant	Deputy sheriff-lieutenant
Sergeant	Deputy sheriff-sergeant

Deputy marshal and deputy marshal—female	Deputy sheriff
Deputy marshal-matron.....	Deputy sheriff
Deputy marshal-stenographer	Senior stenographer
Senior typist	Senior typist
Intermediate typist	Intermediate typist
Cadet	Deputy sheriff-cadet
Supervisory clerk.....	Supervisory clerk
Junior typist	Junior typist

CHAPTER 136

An act to amend Sections 73823 and 73824 of the Government Code, relating to courts.

[Approved by Governor June 12, 1972 Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. Section 73823 of the Government Code, as amended by Chapter 77 of the Statutes of 1971, is amended to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 43 and he may appoint, with the approval of a majority of the judges of the court:

- (a) One assistant clerk on range 39.
- (b) Three municipal court clerks on range 36.
- (c) One legal clerk on range 33.5.
- (d) Two account clerks III on range 32.5.
- (e) One clerk III on range 31.5.
- (f) Seven clerks II on range 28.5.

SEC. 2. Section 73824 of the Government Code, as amended by Chapter 77 of the Statutes of 1971, is amended to read:

73824. There shall be one marshal who shall be on range 39 and the marshal may appoint:

- (a) Two deputy marshals on range 37.
- (b) One clerk II on range 28.5.
- (c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 137

An act to add Section 55507 to the Water Code, relating to county waterworks districts.

[Approved by Governor June 12, 1972. Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. Section 55507 is added to the Water Code, to read:
55507. A district may fix a sewer service standby or immediate availability charge to be applied on a parcel basis within the district to be charged to such parcels to which sewer service is made available by the district, whether the sewer service is actually used or not. The district may establish schedules for such charge, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such district. The district may not, however, fix a charge in excess of ten dollars (\$10) a year for a residential parcel. Commercial or other parcels shall be charged according to equivalent residential parcels, but shall not exceed ten dollars (\$10) per acre per year.

The district may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The district may collect the standby or availability charge as a part of the annual general county tax bill provided the district furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such case, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes.

If the district collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

CHAPTER 138

An act to add Section 55337 to the Water Code, relating to county waterworks districts.

[Approved by Governor June 12, 1972. Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. Section 55337 is added to the Water Code, to read:
55337. A district may construct, maintain, improve, and operate recreational facilities in connection with any dams, reservoirs, or other works owned or controlled by the district. A district may prescribe reasonable rules and regulations to govern the use of the recreational facilities and may fix and assess reasonable charges for the use of the recreational facilities by members of the public. Revenues from such charges may be expended for the following purposes:

(a) To pay the operating and maintenance expenses of the recreational facilities.

(b) To pay the interest on any bonded or other debt for the recreational facilities.

(c) To provide a sinking or other fund for the payment of the principal of any bonded or other debt for the recreational facilities as it becomes due.

(d) To provide a reasonable surplus for improvements, extensions, and enlargements of the recreational facilities.

This section shall be applicable only to districts located within Ventura County.

SEC. 2. The Legislature hereby finds and declares that facts and circumstances exist in Ventura County peculiar to that county which necessitates that county waterworks districts in that county be given the authority to construct, maintain, improve, and operate recreational facilities in connection with dams, reservoirs and other works owned or controlled by the district, including, but not limited to, the rapid growth and development of such districts and the proximity of such districts to large population centers. The Legislature finds and declares, therefore, that a general law cannot be made applicable to such districts.

CHAPTER 139

An act to amend Section 30.17 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949), relating to the Sonoma County Flood Control and Water Conservation District.

[Approved by Governor June 12, 1972. Filed with Secretary of State June 12, 1972.]

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

SECTION 1. Section 30.17 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949) is amended to read:

Sec. 30.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving, or financing any one or more revenue-producing enterprises for any one or more of the purposes for which the district has been formed. "Enterprise" as used in the section means a revenue-producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 of the Government Code and inasmuch as the district has previously authorized, issued, and sold general obligation bonds for the acquisition and construction of water production and transmission facilities pursuant to a vote of the electorate, the district may authorize, issue, and sell revenue bonds for the acquisition and construction, or acquisition or construction, of any water production and transmission, or water production or transmission, improvements in the following manner:

(a) The issuance of said bonds shall be authorized by ordinance adopted by not less than four-fifths of all the members of the board following a public hearing with notice as provided in this subdivision at which time all interested parties shall be given the opportunity to be heard. Such ordinance shall take effect upon its publication. Notice of the public hearing shall be published once in a newspaper of general circulation in the district not less than 30 days prior to the date of the hearing. An election need not be held within the district and it is unnecessary to secure the approval of the electors within the district for the issuance of bonds for the purposes and within the limitations of this Section 30.17.

(b) The clerk shall publish said ordinance once in a newspaper of general circulation printed in the district.

(c) Said ordinance shall specify the total amount, denomination,

method of maturity, and the rate or maximum rate of interest of said bonds, and in general terms, the acquisitions and improvements to be constructed thereby; and, in addition, shall contain such other and further provisions as in the judgment of the board are deemed advisable.

(d) The proceeds of said bonds shall be placed in an account in the treasury of the district to be entitled "Revenue Construction Fund No. ____", and used exclusively for the objects and purposes mentioned in the ordinance.

(e) Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and in Articles 4 (commencing with Section 54400) to 11 (commencing with Section 54660), inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

CHAPTER 140

An act to amend Sections 1173 and 1178 of the Streets and Highways Code, relating to county road divisions.

[Approved by Governor June 12, 1972. Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. Section 1173 of the Streets and Highways Code is amended to read:

1173. When a special tax is petitioned for, the board shall immediately order an election within the division to determine whether such tax will be levied. The board may submit to the electors at such election the question whether the balance of the estimated cost of the proposed work will be raised by a special tax in one year or spread equally over 2, 3, 4, 5, 6, 7, 8, 9, or 10 successive years and whether the amount annually estimated to be needed for maintenance will be raised by the annual levy of a special tax for the period appropriate to the period indicated in the petition. The electorate at such an election shall consist of the registered voters residing within the boundaries of the division if there are 10 or more registered voters residing within the division at the time of ordering the election or if there are less than 10 registered voters within the boundaries of the division at the time of ordering the election the electorate shall consist of the legal owners of the land lying within the boundaries of such division as shown on the last equalized

assessment roll unless proof of transfer of legal title satisfactory to the board is submitted to the board at least 10 days prior to the date of election in which event the transferee shall be an elector in the place and stead of the transferor unless the transferor is the legal owner of other property within the boundaries of the division.

SEC. 2. Section 1178 of the Streets and Highways Code is amended to read:

1178. If the majority of the votes cast is for the tax, the board shall annually, at the time of levying the county taxes, levy a tax upon all the taxable land in the division sufficient to raise the amount voted for the current fiscal year, sufficient to meet estimated costs of maintenance for the current fiscal year, and sufficient to reimburse the county for any expenses recoverable under Section 1197. The board shall ascertain the rate of taxation by deducting 15 percent for anticipated delinquencies from the aggregate assessed value of the land in the division as it appears on that last equalized assessment roll of the county and then dividing the sum voted by the remainder of such aggregate assessed value.

CHAPTER 141

An act to amend Section 15 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor June 12, 1972 Filed with
Secretary of State June 12, 1972]

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

SECTION 1. Section 15 of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915) is amended to read:

Sec. 15. All contracts for any improvement or unit of work, except as hereinafter provided, estimated to cost in excess of ten thousand dollars (\$10,000), shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for the construction of the improvement or work. The said board shall require the successful bidder or bidders to file with the board good and sufficient bonds, to be approved by the board, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 7 (commencing with Section 3247) of Title 15 of Part 4 of Division 3 of the Civil Code and to be subject to the provisions of that chapter,

and shall also have the right to reject any and all bids not suitable to the best interests of the district. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of ten thousand dollars (\$10,000), or the work consists of channel protection, dam protection, temporary work, maintenance work, or of emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by force account. Emergency work, found by the board of supervisors to be necessary in order to protect life and property from impending flood damage, may also be done by negotiated contract without advertising for bids therefor. It shall be the duty of the purchasing agent of Los Angeles County, and ex officio the purchasing agent of Los Angeles County Flood Control District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, except emergency purchases, and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed ten thousand dollars (\$10,000). Said purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; provided, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within 30 days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such

municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

CHAPTER 142

An act to amend Sections 74819 and 74820 of, to add Section 74824 to, and to repeal Section 74824 of, the Government Code, relating to the municipal court.

[Approved by Governor June 12, 1972. Filed with
Secretary of State June 12, 1972.]

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

SECTION 1. Section 74819 of the Government Code is amended to read:

74819. There shall be one marshal who shall receive the biweekly salary specified in range 38, step A, as set forth in the biweekly salary schedule contained in Section 74821.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the class of lieutenant.

SEC. 2. Section 74820 of the Government Code is amended to read:

74820. The marshal may appoint:

- (a) Two deputy marshals.
- (b) One clerk-typist II.

SEC. 3. Section 74824 of the Government Code is repealed.

SEC. 4. Section 74824 is added to the Government Code, to read:

74824. Notwithstanding any other provisions of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees of San Joaquin County.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for other employees of the county.

CHAPTER 143

An act to add Section 20980.5 to the Water Code, relating to irrigation districts.

[Approved by Governor June 12, 1972. Filed with Secretary of State June 12, 1972.]

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

SECTION 1. Section 20980.5 is added to the Water Code, to read: 20980.5. The Palmdale Irrigation District may change its name pursuant to this chapter to the Palmdale Water District.

SEC. 2. The Legislature finds and declares that the term "irrigation district" is no longer descriptive of the actual functions performed by the Palmdale Irrigation District and the proper functioning of the district may require that the name of the district be changed to the Palmdale Water District. The problem is not common to other districts governed under the Irrigation District Law. It is necessary, therefore, that the provisions of this act be made applicable only to the Palmdale Irrigation District.

CHAPTER 144

An act to add Section 23608 to the Water Code, relating to irrigation districts.

[Approved by Governor June 12, 1972. Filed with Secretary of State June 12, 1972.]

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

SECTION 1. Section 23608 is added to the Water Code, to read: 23608. Notwithstanding Section 23602, or any other provision of law to the contrary, in the Littlerock Creek Irrigation District the formation of an improvement district may be proposed by the board of the district. In such event no petition shall be required for the formation of the improvement district, but the board shall give notice of and hold a hearing on the proposal as nearly as practicable in accordance with the provisions of this chapter. If the board finds that it would be for the best interests of the district and the proposed improvement district to form the improvement district, it shall proceed with the formation of the improvement district as nearly as practicable in accordance with the provisions of this chapter, except that it shall not enter a final order forming the improvement district unless the formation of the improvement district as proposed by the board is approved by the voters of the proposed improvement district at an election held within the proposed improvement district at which a majority of the voters voting on the proposition approve

the formation of the improvement district as proposed by the board. Such election may be consolidated with any other election held within the district.

At the time of the hearing on the proposed improvement district, the board of directors may also determine that it is in the best interests of the district and of the improvement district that bonds be sold to finance the acquisition of any existing improvements within the improvement district and the construction of other improvements therein. An election shall then be called to submit to the voters the proposal of whether or not bonds in the amount determined by the board should be authorized, and the election shall be called and held pursuant to the provisions of Chapter 4 (commencing with Section 21925) of Part 4 of this division. In that event the bond election shall be consolidated with the election for the formation of the improvement district and the improvement district shall not be formed unless two-thirds of the votes cast are in favor of both the formation of the district and the issuance of the bonds.

SEC. 2. The provisions of this act are necessary because the existing procedures for the formation of improvement districts in irrigation districts preclude the establishment of improvement districts in the Littlerock Creek Irrigation District to provide vitally needed water service to certain areas of the district, as a high percentage of landowners within the district are not residents of the district. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 23608 of the Water Code as a special law is necessary for the solution of problems existing in the Littlerock Creek Irrigation District.

CHAPTER 145

An act to amend Section 1115 of the Education Code, relating to school district elections.

[Approved by Governor June 13, 1972 Filed with
Secretary of State June 13, 1972]

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

SECTION 1. Section 1115 of the Education Code is amended to read:

1115. The form of the ballot for governing board member elections shall state the date of the election, naming the district and the county or counties in which the district is located, and shall state clearly the number of offices to be filled and the number of candidates for whom the voter is entitled to vote. The names of the candidates shall be listed, one name to a line, with a square opposite

each name in which the voter may cast his vote for the candidate.

If the governing board member election is consolidated with any other election, the provisions of Article 3 (commencing with Section 1331) of Chapter 6 of this division shall apply to the form of ballot to be used.

CHAPTER 146

An act to amend Section 11457 of the Welfare and Institutions Code, relating to needy children.

[Approved by Governor June 13, 1972. Filed with
Secretary of State June 13, 1972.]

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

SECTION 1. Section 11457 of the Welfare and Institutions Code is amended to read:

11457. Fines, penalties or forfeitures imposed under Section 270d of the Penal Code shall be deposited in the general fund of the county treasury and shall not be taken into account in determining the amount of aid to be paid. Payment for child support made by or collected in any way from absent parents, will be taken into account in determining the amount of aid to be paid.

Money from absent parents for support of a needy child, when collected by or paid through any public officer or agency, shall be either transmitted to the needy family provided aid, to be used for the support of the needy child, or transmitted to the county department providing aid to be used for the support of the child. All absent parents' payments or collections available to the county department for support of the child shall be applied first to support for the calendar month following receipt by the county department, and any balance remaining shall either be applied against future needs or be treated as reimbursement for past support furnished from public assistance funds.

The balance of funds which are treated as reimbursement for past support are to be apportioned according to the sharing of aid; provided, however, that any amount which would otherwise be apportioned to the State of California shall be retained by the county to offset county costs of collection of support payments from absent parents and to offset costs of welfare fraud investigations.

SEC. 2. Section 11457 of the Welfare and Institutions Code is amended to read:

11457. Fines, penalties or forfeitures imposed under Section 270d of the Penal Code shall be deposited in the general fund of the county treasury and shall not be taken into account in determining the amount of aid to be paid. Payment for child support made by or collected in any way from absent parents, will be taken into account

in determining the amount of aid to be paid.

Money from absent parents for support of a needy child, when collected by or paid through any public officer or agency, shall be either transmitted to the needy family provided aid, to be used for the support of the needy child, or transmitted to the department to be used for the support of the child. All absent parents' payments or collections available to the department for support of the child shall be applied first to support for the calendar month following receipt by the department, and any balance remaining shall either be applied against future needs or be treated as reimbursement for past support furnished from public assistance funds.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 540 are both chaptered and amend Section 11457 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 540, that Section 11457 of the Welfare and Institutions Code, as amended by Section 1 of this act, be further amended on the operative date of Senate Bill No. 540 in the form set forth in Section 2 of this act to incorporate the changes in Section 11457 proposed by Senate Bill No. 540. Therefore, if Senate Bill No. 540 is chaptered before this bill and amends Section 11457, Section 2 of this act shall become operative at the same time as Senate Bill No. 540 becomes operative.

CHAPTER 147

An act to amend Sections 62479, 62482, and 62487 of the Agricultural Code, relating to milk.

[Approved by Governor June 13, 1972. Filed with
Secretary of State June 13, 1972.]

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

SECTION 1. Section 62479 of the Agricultural Code is amended to read:

62479. In addition to any other matters which are required to be taken into consideration by the director, he shall, in determining minimum wholesale and minimum retail prices for fluid milk or fluid cream, or both, for any marketing area, take into consideration all of the following economic factors which are operative in such marketing area:

(a) The quantities of fluid milk or fluid cream, or both, which are distributed in such marketing area.

(b) The quantities of fluid milk or fluid cream, or both, which are normally required by consumers in such marketing area.

(c) The estimated purchasing power of consumers in such marketing area.

(d) The cost of fluid milk or fluid cream, or both, in such

marketing area to distributors and retail stores, which in all cases shall be, respectively, the prices paid by distributors to producers, and the minimum wholesale prices, including any quantity discounts, as established pursuant to this chapter.

(e) The reasonably necessary cost of handling fluid milk or fluid cream, or both, which is incurred by distributors, including all costs of hauling, processing, selling, and delivering and reasonable return on necessary capital investment, for each of the several methods of distribution which are used in such marketing area in accomplishing such hauling, processing, selling, and delivery, excluding costs which are not reasonably necessary to efficient operation, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of all, or such portion of the distributors in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate the reasonably necessary costs of sufficient efficient distribution for such marketing area.

(f) The estimated amount of the available capacity for processing and distributing fluid milk or fluid cream, or both, of distributors in such marketing area and the estimated extent to which such available capacity is being used by such distributors.

(g) The reasonably necessary cost of handling fluid milk or fluid cream, or both, which is incurred by retail stores, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of such portion of the retail stores in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate such costs of all reasonably efficient retail stores in such marketing area. In determining such costs which are incurred by retail stores which handle commodities in addition to fluid milk or fluid cream, or both, the director shall determine the cost of doing business for each such representative retail store and for such purpose shall consider all costs and expenses of doing business, including depreciation on inventory and equipment. In the absence of satisfactory evidence to the contrary, the cost of handling such fluid milk or fluid cream, or both, shall be presumed to be the same percentage as the cost of doing business of such representative retail stores in conducting their entire business.

SEC. 2. Section 62482 of the Agricultural Code is amended to read:

62482. Minimum wholesale price schedules for fluid milk, fluid cream, or both, which are established by the director, may provide for quantity discounts. Subject to the provisions of Section 62487, such discounts shall be no more than those which give full effect to cost differences in respect to single deliveries of varying quantities of fluid milk, fluid cream, or both, to wholesale customers.

SEC. 3. Section 62487 of the Agricultural Code is amended to read:

62487. The minimum wholesale and minimum retail prices shall be sufficient, but not more than reasonably sufficient, to cover costs, as such costs are described in Section 62479, for each of the several

methods of distribution, and reasonable return upon necessary capital investment, as shown to the director by the facts which are available to the director from the hearings, investigation, surveys, or examinations for such marketing area which are required in this chapter. The director shall declare such prices effective in the same manner as that which is prescribed in this chapter for declaring producer prices effective unless the director determines from credible evidence that any prices which are established as set forth in this article will not, or would not, conform to and effectuate the legislative declarations, purposes, and intent set forth in this chapter. If he so determines, he shall instead establish minimum wholesale prices, including particular quantity discounts as he shall determine, or minimum retail prices, which are higher or lower than those which are sufficient to cover the costs and reasonable return on capital investment, without limitations based upon the cost of individual distributors and retail stores which are described in subdivisions (e) and (g) of Section 62479, upon the condition that he shall determine in his judgment and shall find in writing with respect to such higher or lower minimum prices both:

(a) That such minimum prices will tend to maintain in the business of distributing fluid milk and fluid cream, or both, such reasonably efficient retail stores and distributors of fluid milk and fluid cream, or both, in such marketing area as the director finds are necessary to insure to consumers in such marketing area sufficient distribution facilities to supply the quantity of fluid milk or fluid cream, or both, required by such consumers without requiring such consumers to pay more for their supplies of such fluid milk or fluid cream, or both, than is necessary to maintain adequate and efficient distribution facilities in such marketing area.

(b) That such minimum prices will not tend to induce or authorize the development of unfair trade practices, unfair competition, conditions of monopoly or combinations in restraint of trade, and that such minimum prices will tend to encourage the orderly and efficient marketing of fluid milk or fluid cream, or both.

CHAPTER 148

An act to amend Sections 5896.5 and 5896.8 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor June 13, 1972. Filed with
Secretary of State June 13, 1972]

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

SECTION 1. Section 5896.5 of the Streets and Highways Code is amended to read:

5896.5. Proceedings for a conversion shall be initiated by either

a petition or by a determination of the legislative body.

(a) In order to initiate proceedings, a petition shall:

(1) Describe the proposed assessment district, as provided in Section 5181.

(2) Generally describe the proposed conversion.

(3) Request that proceedings for such conversion be taken pursuant to this division.

(b) In order to initiate proceedings, the legislative body shall determine that the city or a public utility has voluntarily agreed to pay over 50 percent of all costs of conversion, excluding costs of users' connections to underground electric or communication facilities.

SEC. 2. Section 5896.8 of the Streets and Highways Code is amended to read:

5896.8. Upon presentation of the petition and certificate of sufficiency or upon a determination pursuant to subdivision (b) of Section 5896.5, the legislative body may adopt a resolution declaring its intention to order the conversion.

CHAPTER 149

An act to amend Section 6011 of the Education Code, relating to outdoor science programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1972. Filed with
Secretary of State June 15, 1972.]

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

SECTION 1. Section 6011 of the Education Code is amended to read:

6011. The governing board of any school district may:

(a) Conduct programs and classes in outdoor science education and conservation education within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Acquire and maintain real or personal property needed for outdoor science education and conservation education programs and classes either within or without the boundaries of the school district either by purchase, rental, lease, gift, or other means in the same manner as if the property were within the boundaries of the school district.

(c) Contract with the United States, the State of California, any city, county, city and county or school district therein, or any combination thereof for the joint operation and maintenance of such programs and classes in outdoor science education and conservation education or for assistance in their operation and maintenance.

(d) Transport or arrange transportation of pupils, instructors,

supervisors or other personnel to or from places where such programs and classes are being conducted, whether within or without the district; provided, such transportation is within the state.

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

In order to give the authority to the governing board of a school district to conduct a nature program for summer school students to commence on June 16, 1972, to an area that offers more natural resource material and is more than 180 miles from the school or schools of the district, it is essential that this act take effect immediately.

CHAPTER 150

An act to add Sections 301.2 and 322.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor June 16, 1972 Filed with
Secretary of State June 16, 1972.]

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

SECTION 1. Section 301.2 is added to the Streets and Highways Code, to read:

301.2. Notwithstanding Section 253.2, the California freeway and expressway system shall not include that portion of Route 1 from Route 22 to Route 47.

SEC. 2. Section 322.1 is added to the Streets and Highways Code, to read:

322.1. Notwithstanding Section 253.1, the California freeway and expressway system shall not include that portion of Route 22 from Route 1 near Long Beach to Studebaker Road in Long Beach.

CHAPTER 151

An act to amend Sections 214.8, 251, 254, 254.5, 270, and 271 of, and to add Sections 215.1 and 259.7 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 19, 1972 Filed with
Secretary of State June 19, 1972]

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

SECTION 1. Section 214.8 of the Revenue and Taxation Code is amended to read:

214.8. Except as provided in Sections 213.7 and 231, the "welfare exemption" shall not be granted to any organization which is not qualified as an exempt organization under Section 23701d of this code or Section 501(c)(3) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(3) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under other provisions of this code.

The exemption for veterans' organizations shall not be granted to any organization which is not qualified as an exempt organization under Section 23701f of this code or under Section 501(c)(4) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "veterans' organization exemption" to apply to organizations qualified under Section 501(c)(4) but not otherwise qualified for the "veterans' organization exemption" under other provisions of this code.

SEC. 2. Section 215.1 is added to the Revenue and Taxation Code, to read:

215.1. All buildings, and so much of the real property on which the buildings are situated as may be required for the convenient use and occupation of said buildings, used exclusively for charitable purposes, owned by a veterans' organization which has been chartered by the Congress of the United States, organized and operated for charitable purposes, when the same are used solely and exclusively for the purpose of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

The exemption provided for in this section shall apply to the property of all organizations meeting the requirements of this section and Section 1c of Article XIII of the Constitution of the State of California and subdivisions (1) to (7), inclusive, of Section 214 of this code.

This exemption shall be known as the "veterans' organization exemption."

SEC. 3. Section 251 of the Revenue and Taxation Code is amended to read:

251. The board shall prescribe all procedure and forms required to carry into effect the veterans', veterans' organization, church, cemetery, orphanage, college, exhibition, immature forest trees, welfare and homeowners' property tax exemption.

SEC. 4. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare, veterans' organization, or homeowner's property tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall

accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

Any person claiming the homeowner's property tax exemption shall meet the requirements of the first paragraph of this section and shall state his name, the address of the property, that the property was owned by him and was occupied as his principal place of residence on the lien date, and such other information as the board may prescribe.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

SEC. 5. Section 254.5 of the Revenue and Taxation Code, as amended by Chapter 1633 of the Statutes of 1971, is amended to read:

254.5. Affidavits for the welfare exemption and the veterans' organization exemption shall be filed in duplicate on or before March 15 of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded not later than April 1 by the assessor with his recommendations for approval or denial to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 of the Revenue and Taxation Code. In this connection the board shall consider, among other matters, whether:

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly or indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

(d) The property on which exemption is claimed is used for the actual operation of an exempt activity and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose.

The board shall make a finding as to the eligibility of each applicant and the applicant's property and shall forward its finding to the assessor concerned not later than June 1. In a case where the board conducts a hearing with respect to the eligibility of the applicant and the applicant's property, the time for making the finding and forwarding it to the assessor concerned is extended to no

later than June 15. The assessor may deny the claim of an applicant the board finds eligible but may not grant the claim of an applicant the board finds ineligible.

SEC. 6. Section 259.7 is added to the Revenue and Taxation Code, to read:

259.7. The affidavit for the veterans' organization exemption shall show that both the property and the owner meet all the requirements entitling the property to the exemption.

SEC. 7. Section 270 of the Revenue and Taxation Code, as added by Chapter 303 of the Statutes of 1971, is amended to read:

270. (a) With respect to property as to which the college, cemetery, church, exhibition, orphanage, veterans' organization or welfare exemption was available but for which a timely application for exemption was not filed—

(1) Ninety percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed on or before the first day of March of the calendar year next succeeding the calendar year in which the exemption was not claimed by a timely application; or, if the application is filed thereafter,

(2) Eighty-five percent of any tax or penalty or interest thereon shall be canceled or refunded provided an appropriate application for exemption is filed and relief is not authorized under Section 214.01 or 271.

(b) Notwithstanding the provisions of subdivision (a), any tax or penalty or interest thereon exceeding two hundred fifty dollars (\$250) in total amount shall be canceled or refunded provided it is imposed upon property entitled to relief under subdivision (a) for which an appropriate claim for exemption has been filed.

(c) With respect to property as to which the welfare exemption or veterans' organization exemption was available, all provisions of Section 254.5, other than the specified dates for the filing of affidavits and other acts, are applicable to this section.

SEC. 8. Section 271 of the Revenue and Taxation Code, as added by Chapter 303 of the Statutes of 1971, is amended to read:

271. (a) Provided that an appropriate application for exemption is filed on or before the first day of March of the calendar year next succeeding the calendar year in which the property was acquired, any tax or penalty or interest thereon—

(1) Imposed upon property owned by any organization qualified for the college, cemetery, church, exhibition, orphanage, veterans' organization or welfare exemption which is acquired by such organization during a given calendar year, after the lien date but prior to the first day of the fiscal year commencing within that calendar year, when the property is of a kind which would have been qualified for the college, cemetery, church, exhibition, orphanage, veterans' organization or welfare exemption if it had been owned by such organization on the lien date, shall be canceled or refunded;

(2) Imposed upon property owned by any organization which

would have qualified for the college, cemetery, church, exhibition, orphanage, veterans' organization or welfare exemption had the organization been in existence on the lien date, which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for such exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date and had the organization been in existence on such lien date, shall be canceled or refunded;

(3) Imposed upon property acquired after the beginning of any fiscal year by an organization qualified for the college, cemetery, church, exhibition, orphanage, veterans' organization or welfare exemption and the property is of a kind which would have qualified for an exemption if it had been owned by such organization on the lien date, whether or not that organization was in existence on the lien date, shall be canceled or refunded in the proportion that the number of days for which the property was so qualified during the fiscal year bears to 365.

(b) Eighty-five percent of any tax or penalty or interest thereon imposed upon property which would be entitled to relief under the provisions of subdivision (a) or Section 214.01, except that an appropriate application for exemption was not filed within the time required by the applicable provision, shall be canceled or refunded provided that an appropriate application for exemption is filed after the last day on which relief could be granted under subdivision (a) or Section 214.01.

(c) Notwithstanding the provisions of subdivision (b), any tax or penalty or interest thereon exceeding two hundred fifty dollars (\$250) in total amount shall be canceled or refunded provided it is imposed upon property entitled to relief under subdivision (b) for which an appropriate claim for exemption has been filed.

(d) With respect to property acquired after the beginning of the fiscal year for which relief is sought, the provisions of subdivisions (b) and (c) shall apply only to that pro rata portion of any tax or penalty or interest thereon which would have been canceled or refunded had the property qualified for relief under paragraph 3 of subdivision (a).

SEC. 9. It has been stated that Section 1c of Article XIII of the Constitution of the State of California is not broad enough to serve to exempt buildings used for meetings and social gatherings of veterans' organizations. However, the Legislature finds that some of these organizations, such as the American Legion, are incorporated for purposes such as the following:

“. . . To uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two world wars and the other great hostilities fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its

members to mutual helpfulness and service to their country.”

It is established that “charity,” as used in Section 1c of Article XIII is not limited to the giving of alms to the poor. It has been defined in a number of cases as a gift to be applied consistently with existing laws, for the benefit of an indefinite number of persons—either by bringing their hearts under the influence of education or religion, by relieving their bodies from disease, suffering, or constraint, by assisting them to establish themselves in life, or by erecting or maintaining public buildings or works, or otherwise lessening the burdens of government.

Moreover, it is recognized that a charitable exemption may be granted to property of organizations providing such diverse services as civic theater performances and recreational opportunities for members of a boys’ club for 10 weeks each year.

In acting under Section 1c of Article XIII, the Legislature must necessarily construe the terms of the provision in order to determine the extent of its authority to act thereunder, and the Legislature finds it reasonable to exempt the property of organizations devoted to spreading patriotism and unity and to promoting respect for those who serve their country in the armed services in times of peril, and which bring the hearts of the youth of this state under the influence of education through their various programs (such as Boys State, Boy Scout sponsorship and oratorical contests dealing with the Constitution of the United States), and which lessen the burdens of government through their additional programs (such as veterans employment, Veterans Administration volunteer services in hospitals, and junior baseball).

The members of such an organization must necessarily have some accommodations in which to meet and correlate their activities, and the Legislature finds that such activities are incidental to, and reasonably necessary for, the accomplishment of the exempt activities of such organizations.

SEC. 10. The provisions of this act shall become operative on the lien date in 1973.

CHAPTER 152

An act relating to health science facilities, and in this connection to amend Sections 4, 8, and 17 of Chapter 665 of the Statutes of 1971, and to provide health science facilities by the adoption of a construction program therefor, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of the measure to the people at a special election to be consolidated with the general election of 1976.

[Approved by Governor June 21, 1972. Filed with
Secretary of State June 21, 1972]

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

SECTION 1. Section 4 of Chapter 665 of the Statutes of 1971 is amended to read:

SEC. 4. Bonds in the total amount of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 3 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as 1971 Health Science Facilities Construction Program Bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 2. Section 8 of Chapter 665 of the Statutes of 1971 is amended to read:

Sec. 8. A section shall be included in the Budget Bill for each fiscal year bearing the caption "1971 Health Science Facilities Construction Bond Act Program." Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the Health Science Facilities Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 3. Section 17 of Chapter 665 of the Statutes of 1971 is amended to read:

Sec. 17. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide health science facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide health science facilities." In each square containing the language specified above, immediately below that language and enclosed in parenthesis, there shall be printed, in eight-point type, the words: "This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000)." Opposite the words: "For bonds to provide health science facilities," and the language immediately following such statement, and "Against bonds to provide health science facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide health science facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide health science facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

<p>FOR BONDS TO PROVIDE HEALTH SCIENCE FACILITIES. (This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000).)</p>	
<p>AGAINST BONDS TO PROVIDE HEALTH SCIENCE FACILITIES. (This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000).)</p>	

The Governor of this state shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 4. The amendments effected by Sections 1, 2, and 3 of this act shall be incorporated in Chapter 665 of the Statutes of 1971 when that measure is submitted to the voters on November 7, 1972. Within five days after the effective date of this act, the authors of ballot arguments on Chapter 665 of the Statutes of 1971 shall, if necessary, revise such arguments to reflect the provisions of Sections 1, 2, and 3 of this act. The Legislative Counsel and the Attorney General, within such five-day period, shall revise their ballot pamphlet

analyses and ballot title, respectively, to reflect the provisions of Sections 1, 2, and 3 of this act.

SEC. 5. It is the intention of the Legislature in adopting Sections 5 to 15, inclusive, of this act to increase to the maximum extent possible the output of health professionals, the training of new categories of health personnel, the production of new knowledge on the prevention and care of disease, the efficiency of health care delivery systems, and the utilization of available federal funds, and, in so doing, to thereby minimize the cost of meeting the health care needs of the people of California.

SEC. 6. Sections 5 to 15, inclusive, of this act shall be known and may be cited as the Health Science Facilities Construction Program Bond Act of 1976.

SEC. 7. The purpose of Sections 5 to 15, inclusive, of this act is to provide the additional necessary funds to meet the construction, equipment, and site acquisition needs of the state for purposes of providing health science facilities at the University of California.

Proceeds of the bonds authorized to be issued under Sections 5 to 15, inclusive, of this act, in an amount or amounts which the Legislature shall determine, shall be used for the construction, equipment, and site acquisition of health science facilities at the University of California as are approved and authorized by the Legislature. Proceeds of such bonds may be used for the purpose of constructing on-campus teaching hospitals on the University of California campuses at Davis and Irvine only upon approval of the Legislature.

SEC. 8. Bonds in the total amount of one hundred thirty-eight million one hundred thousand dollars (\$138,100,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 7 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Said bonds shall be known and designated as 1976 Health Science Facilities Construction Program Bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 9. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 10. There is hereby appropriated from the General Fund in the State Treasury for the purpose of Sections 5 to 15, inclusive, of

this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of Sections 5 to 15, inclusive, of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 13 of this act, which sum is appropriated without regard to fiscal years.

SEC. 11. The proceeds of bonds issued and sold pursuant to Sections 5 to 15, inclusive, of this act, together with interest earned thereon, if any, shall be deposited in the Health Science Facilities Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in Sections 5 to 15, inclusive, of this act and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

SEC. 12. A section shall be included in the Budget Bill for each fiscal year bearing the caption "1976 Health Science Facilities Construction Bond Act Program" Said section shall contain proposed appropriations only for the program contemplated by Sections 5 to 15, inclusive, of this act, and no funds derived from the bonds authorized by Sections 5 to 15, inclusive, of this act may be expended pursuant to an appropriation not contained in said section of the budget act. The Department of Finance, which is hereby designated as the board for the purposes of Sections 5 to 15, inclusive, of this act, shall annually total the budget act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the Health Science Facilities Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 13. For the purposes of carrying out the provisions of Sections 5 to 15, inclusive, of this act, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out Sections 5 to 15, inclusive, of this act. Any amounts withdrawn shall be deposited in the Health Science Facilities Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 11 of this act. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out Sections 5 to 15, inclusive, of this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 14. The bonds authorized by Sections 5 to 15, inclusive, of this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the

Government Code), and all of the provisions of said law are applicable to said bonds and to Sections 5 to 15, inclusive, of this act and are hereby incorporated in Sections 5 to 15, inclusive, of this act as though set forth in full herein.

SEC. 15. The Health Science Facilities Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Chairman of the Regents of the University of California. For the purpose of Sections 5 to 15, inclusive, of this act, the Health Science Facilities Construction Program Committee shall be the "committee" as that term is used in the State General Obligation Bond Law.

SEC. 16. Sections 5 to 15, inclusive, of this act shall take effect upon the adoption by the people of the Health Science Facilities Construction Program Bond Act of 1976, as set forth in Sections 5 to 15, inclusive, of this act, but, in that event, only if the people, at a special election held on November 7, 1972, adopt the provisions of the Health Science Facilities Construction Program Bond Act of 1971, as set forth in Sections 1 to 11, inclusive, of Chapter 665 of the Statutes of 1971, and as further amended by Sections 1, 2, and 3 of this act. Sections 16 to 22, inclusive, of this act contain provisions relating to and necessary for the submission of the Health Science Facilities Construction Program Bond Act of 1976 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 17. A special election is hereby called to be held throughout the state on November 2, 1976. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in Sections 16 to 22, inclusive, of this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to Sections 5 to 15, inclusive, of this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 18. At the special election called by Sections 16 to 22, inclusive, of this act there shall be submitted to the electors Sections 5 to 15, inclusive, of this act.

SEC. 19. Upon the effective date of this section, the author of the measure submitted pursuant to Sections 5 to 15, inclusive, of this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the presiding officer of that house to write an argument against it. If there are no negative

votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 20. The special election provided for in Sections 16 to 22, inclusive, of this act shall be proclaimed, held, conducted; the ballots shall be prepared, marked, collected, counted and canvassed; and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in Sections 16 to 22, inclusive, of this act.

SEC. 21. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide health science facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide health science facilities." In each square containing the language specified above, immediately below that language and enclosed in parenthesis, there shall be printed, in eight-point type, the words: "This act provides for a bond issue of one hundred thirty-eight million one hundred thousand dollars (\$138,100,000)." Opposite the words: "For bonds to provide health science facilities," and the language immediately following such statement, and "Against bonds to provide health science facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide health science facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide health science facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

FOR BONDS TO PROVIDE HEALTH SCIENCE FACILITIES.	
(This act provides for a bond issue of one hundred thirty-eight million one hundred thousand dollars (\$138,100,000).)	
AGAINST BONDS TO PROVIDE HEALTH SCIENCE FACILITIES.	
(This act provides for a bond issue of one hundred thirty-eight million one hundred thousand dollars (\$138,100,000).)	

The Governor of this state shall include the submission of the measure prescribed in Sections 5 to 15, inclusive, of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 22. If it appears that the measure prescribed in Sections 5 to 15, inclusive, of this act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

CHAPTER 153

An act to amend Section 13469.1 of the Education Code, relating to school employees.

[Approved by Governor June 21, 1972 Filed with Secretary of State June 21, 1972]

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

SECTION 1. Section 13469.1 of the Education Code is amended to read:

13469.1. Governing boards of school districts shall provide by rules and regulations for industrial accident and illness leaves of absence for persons employed in a position requiring certification qualifications. The governing board of any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts completed after the effective date of this section shall provide by rules and regulations for such leaves of absence on or before the date on which the organization or reorganization of the district becomes effective for all purposes as provided in Section 1704 of this code.

Such rules or regulations shall include the following provisions:

a. Allowable leave shall be for not less than 60 days during which the schools of the district are required to be in session or when the employee would otherwise have been performing work for the district in any one fiscal year for the same accident;

b. Allowable leave shall not be accumulated from year to year;

c. Industrial accident or illness leave shall commence on the first day of absence;

d. When a person employed in a position requiring certification qualifications is absent from his duties on account of an industrial accident or illness, he shall be paid such portion of the salary due him for any month in which the absence occurs as, when added to his temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, will result in a payment to him of not more than his full salary;

The phrase "full salary" as utilized in this subdivision shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is utilized in Section 4453 of the Labor Code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Section 4453 of the Labor Code shall otherwise not be deemed applicable.

e. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award;

f. When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Sections 13467, 13468 and 13469, and for the purposes of each of these sections, his absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave, provided that if the employee continues to receive temporary disability indemnity, he may elect to take as much of his accumulated sick leave which, when added to his temporary disability indemnity, will result in a payment to him of not more than his full salary.

The governing board may, by rule or regulation, provide for such additional leave of absence for industrial accident or illness as it deems appropriate.

During any paid leave of absence, the employee shall endorse to the district the temporary disability indemnity checks received on account of his industrial accident or illness. The district, in turn, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.

In the absence of rules and regulations adopted by the governing board pursuant to this section an employee shall be entitled to industrial accident or illness leave as provided in this section but without limitation as to the number of days of such leave.

SEC. 2. Section 13469.1 of the Education Code is amended to read:

13469.1. Governing boards of school districts shall provide by rules and regulations for industrial accident and illness leaves of absence for persons employed in a position requiring certification qualifications. The governing board of any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts completed after the effective date of this section shall provide by rules and regulations for such leaves of absence on or before the date on which the organization or reorganization of the district becomes effective for all purposes as provided in Section 1704 of this code.

Such rules or regulations shall include the following provisions:

a. Allowable leave shall be for not less than 60 days during which the schools of the district are required to be in session or when the employee would otherwise have been performing work for the district in any one fiscal year for the same accident;

b. Allowable leave shall not be accumulated from year to year;

c. Industrial accident or illness leave shall commence on the first day of absence;

d. When a person employed in a position requiring certification qualifications is absent from his duties on account of an industrial accident or illness, he shall be paid such portion of the salary due him for any month in which the absence occurs as, when added to his temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, will result in a payment to him of not more than his full salary;

The phrase "full salary" as utilized in this subdivision shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is utilized in Section 4453 of the Labor Code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Section 4453 of the Labor Code shall otherwise not be deemed applicable.

e. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award;

f. When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Sections 13467, 13468 and 13469, and for the purposes of each of these sections, his absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave, provided that if the employee continues to receive temporary disability indemnity,

he may elect to take as much of his accumulated sick leave which, when added to his temporary disability indemnity, will result in a payment to him of not more than his full salary.

The governing board may, by rule or regulation, provide for such additional leave of absence for industrial accident or illness as it deems appropriate.

During any paid leave of absence, the employee may endorse to the district the temporary disability indemnity checks received on account of his industrial accident or illness. The district, in turn, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.

In the absence of rules and regulations adopted by the governing board pursuant to this section an employee shall be entitled to industrial accident or illness leave as provided in this section but without limitation as to the number of days of such leave.

SEC. 3. It is the intent of the Legislature, if amendments to Section 13469.1 of the Education Code proposed by both this bill and AB 926 are enacted, that both amendments be given effect and incorporated in Section 13469.1 in the form set forth in Section 2 of this act. Therefore, in the event both this bill and AB 926 are chaptered and amend Section 13469.1 and this bill is chaptered after AB 926, Section 2 of this act shall become operative at the same time that Section 13469.1 as amended by AB 926 becomes operative, and at that time, Section 13469.1 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 154

An act to add Section 14672.9 to the Government Code, relating to the letting of state property.

[Approved by Governor June 21, 1972. Filed with
Secretary of State June 21, 1972.]

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

SECTION 1. Section 14672.9 is added to the Government Code, to read:

14672.9. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene, may let in the best interests of the state to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 50 years,

real property not exceeding 43.81 acres located within the grounds of the Agnews State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

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

CHAPTER 155

An act to add Section 12739 to the Business and Professions Code, relating to weights and measures, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 21, 1972. Filed with
Secretary of State June 21, 1972.]

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

SECTION 1. Section 12739 is added to the Business and Professions Code, to read:

12739. In addition to the information required to be recorded on the certificate by Section 12714, the certificate shall include, in the case of vehicles transporting baled hay, the following information, and a failure to include it shall be a violation of Section 12716:

(a) The gross weight of the load of hay and the vehicle at the time of the initial weighing.

(b) If there are any corrections made in the load of hay after the initial weighing, the gross weight of the load of hay and the vehicle at the time of reweighing after such correction.

(c) The full name and address of the seller and of either the purchaser or the broker of the hay as obtained from the driver of the vehicle.

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

The beginning of the hay season is approaching, and with it the problem of hay thefts. Vehicles carrying hay are weighed and found to be overweight, necessitating the removal of the excess hay and reweighing of the vehicle before the weight can be certified. However, no records are presently required to be kept of the original

or excess weight, thus the excess hay is often lost or stolen. If legislation is not immediately enacted to require the recording of both the first and final weights and the names of the seller and of either the purchaser or the broker of the hay, large hay losses will result, to the detriment of the public. It is, therefore, necessary that this act go into immediate effect.

CHAPTER 156

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1972 Filed with
Secretary of State June 22, 1972]

I object to the following appropriations in Senate Bill No. 50.

Item 37—For support of Department of Commerce. I reduce this item from \$1,752,188 to \$1,692,188 by reducing paragraph (b) operating expenses and equipment from \$656,250 to \$621,250 and by eliminating paragraph (d) celebration of 150th anniversary of City of Sonoma

I am eliminating funds added for repair of a band shell and the addition of a new exhibit. These projects should be funded from other than state sources.

I am eliminating funds added for celebration of 150th anniversary of the City of Sonoma While it is important to acknowledge and celebrate our heritage, expenditure of state tax funds should be limited to events that are clearly of statewide significance

Item 43—For support of the State's cash match for Federal grants made by the Law Enforcement Assistance Administration I reduce this item from \$5,750,000 to \$4,500,000.

The estimated amount of Federal grants available has been reduced from \$60,000,000 to \$46,500,000, thereby reducing the amount required for state cash match

Item 45—For support of contribution to counties for providing legal assistance to indigents. I reduce this item from \$1,429,500 to \$775,000

The remaining amount reflects the traditional contribution to counties for legal assistance to indigents

Item 46.5—For tort liability claims that may arise from damage caused by structural deficiency of the State Capitol Building I eliminate this item

No liability or injury is anticipated in the State Capitol Building because of structural deficiencies

Item 67—For support of Public Utilities Commission I reduce this item from \$7,333,388 to \$6,913,273 by reducing paragraph (a) Personal Services from \$11,109,835 to \$10,781,960 and paragraph (b) Operating Expenses and Equipment from \$2,293,635 to \$2,201,395

I am reducing this item to a level of expenditure which provides for an augmentation to the Commission's original budget in the amount of \$97,310 for additional auditors. The amount appropriated will enable the Commission to meet its responsibilities.

Item 80—For support of Augmentations for Salary Increase—Civil Service and Related I reduce this item from \$46,688,000 to \$31,125,000 and reduce the proposed across-the-board salary increases specified therein for State officers and employees,

exclusive of personnel in the University of California and of the California State Colleges whose compensation or portion thereof is charged to the General Fund, from 7½% to 5% and for State officers and employees whose compensation, including staff benefits, or a portion thereof is payable from special funds, from 7½% to 5%.

This action reduces the appropriation to a salary increase of 5%. Together with the salary inequity funds I am approving in this bill, salary increases will amount to an average of 8.4%. Such increases will cover a substantial portion of existing salary inequities. Additional efforts to correct remaining inequities are planned for 1973-74.

Item 80 5—For support of Augmentations for Salary Increase—Increase in Statutory Salaries I reduce this item from \$177,000 to \$118,000 and reduce the proposed salary increase specified therein for state officers whose salaries are specified by statute and whose compensation is paid from either the General Fund or special funds, from 7½% to 5%.

This item is reduced to reflect the level of general salary increase granted to civil service and related positions.

Item 81—For support of Augmentation for Salary Increase—University of California. I reduce this item from \$33,274,000 to \$20,705,000 by reducing paragraph (a) For increases in compensation for faculty and faculty-related positions from \$22,188,000 to \$13,314,000, and I reduce the proposed across-the-board salary increase specified therein for these positions from 12½% to 7½%, and paragraph (b) For increases in compensation for non-faculty positions from \$11,086,000 to \$7,391,000, and I reduce the proposed across-the-board salary increase specified therein for these positions from 7½% to 5%.

This action provides the increases for University employees as I originally proposed. Both the academic and non-academic increase funds in this item, together with the inequity funds which I am approving in this budget, will cover a substantial portion of salary inequities.

Additional efforts to correct remaining salary inequities are planned for 1973-74.

Item 81 1—For support of Augmentation for Salary Increase—University of California—Inequity Funds I reduce this item from \$8,133,000 to \$6,100,000, by reducing paragraph (a) Faculty and faculty-related positions from \$4,438,000 to \$2,600,000 and paragraph (b) Nonfaculty positions from \$3,695,000 to \$3,500,000.

I am reducing this item to the amount I recommended in May. Together with other salary increase funds, the amounts made available will cover over half of existing salary inequities. Plans to meet remaining inequities are scheduled next year (1973-74).

I am approving this item as reduced, with the understanding that increase in compensation provided by increased salary ranges for positions established for the 1972-73 fiscal year shall not result in total annual salary increases, including staff benefits, of more than \$6,100,000.

Item 82—For support of Augmentation for Salary Increase—California State Universities and Colleges I reduce this item from \$35,445,000 to \$21,836,000 by reducing paragraph (a) For increases in compensation for instructional and instructional-related positions from \$26,918,000 to \$16,151,000, and I reduce the proposed across-the-board salary increase specified therein for these employees from 12½% to 7½% and paragraph (b) For increases in compensation for non-instructional positions from \$8,527,000 to \$5,685,000, and I reduce the proposed across-the-board salary increase specified therein for these positions from 7½% to 5%.

This action provides the increases for State University and College employees as originally requested. The academic and non-academic increase funds in this item, together with the inequity funds which I recommended, will cover a substantial portion of salary inequities. Additional efforts to correct remaining salary inequities are planned for 1973-74.

Item 82 1—For support of Augmentation for Salary Increase—California State Universities & Colleges—Inequity Funds I reduce this item from \$8,226,000 to \$5,600,000 by reducing paragraph (a) Instructional and instructional-related positions from \$5,384,000 to \$3,100,000 and paragraph (b) Non-instructional positions from \$2,842,000 to \$2,500,000.

I am reducing this item to the amount I recommended in May. Together with other

salary increase funds the amounts being provided will cover over half of existing salary inequities.

We plan to continue our efforts to correct remaining salary inequities next year (1973-74).

I am approving this item, as reduced, with the understanding that increase in compensation provided by increased salary ranges for positions established for the 1972-73 fiscal year shall not result in total annual salary increases, including staff benefits, of more than \$5,600,000.

Item 86—For claim of the Secretary of the State Board of Control. I reduce this item from \$156,695 to \$134,031 by reducing paragraph (k) Water Resources Revolving Fund from \$6,857 to \$2,193 and paragraph (1) Health Care Deposit Fund from \$19,864 to \$1,864.

The two claims involved in category (k) and the single claim under category (1) received a full hearing by the State Board of Control as provided for in their procedures. After its review, the Board declined to recommend approval. No new information has been presented that would suggest reversal of the Board's decision and therefore by this action, their decision is sustained.

Item 145—For support of State Personnel Board. I reduce this item from \$9,023,636 to \$8,123,636 by reducing paragraph (c) For implementation of Division 4 of the Unemployment Insurance Code from \$3,757,000 to \$2,857,000.

Item 194—For support of State Lands Division. I reduce this item from \$1,674,000 to \$1,568,000 by reducing paragraph (a) Personal Services from \$2,265,205 to \$2,186,058 and paragraph (b) Operating Expenses and Equipment from \$504,436 to \$477,583.

I am approving this item at the level originally proposed in the budget which provides sufficient resources for the Division to meet its responsibilities.

Item 206 1—For loan to the City of Avalon, Department of Navigation and Ocean Development. I eliminate this item.

This item is eliminated on the basis that the Department of Navigation and Ocean Development should retain the responsibility for approving loans based on economic and engineering feasibility.

Item 217—For expenditures by the Department of Water Resources for the State's share of flood control projects. I reduce this item from \$7,500,000 to \$4,000,000.

The legislative augmentation of \$3,500,000 should be provided by SB 993 (Lagomarsino) which contains a comprehensive proposal for state and local cost sharing for flood control.

Item 220—For support of Department of Corrections. I reduce this item from \$112,503,781 to \$112,003,781 by reducing paragraph (b) II Institutional Program \$91,229,830 to \$90,729,830.

I am also deleting the following language from Item 220 relating to the reductions made in the appropriation itself:

"Provided further, that of the amount appropriated in this item \$100,000 shall be used for the sole purpose of converting 300 positions from the classification correctional officer to the classification correctional program supervisor and that \$50,000 of this appropriation shall be used for the sole purpose of the development of a centralized recruiting program to aid in locating and employing better qualified personnel."

I am also reducing the \$450,000 for a centralized training program to \$100,000.

I am reducing the augmentation for training (\$350,000) pending funding of the Department under a grant by the California Council on Criminal Justice for a centralized training program in conjunction with the Youth Authority.

I am eliminating the augmentation for correctional program supervisor reclassifications (\$100,000) because it has not been demonstrated that expansion of the existing program will enhance existing rehabilitative efforts.

I am eliminating the augmentation for centralized recruiting (\$50,000) because the Personnel Board has funds in its existing program to meet the recruiting needs of the Department.

Item 220 2—For support of Department of Corrections, Inmate Welfare Fund. I eliminate this item.

I am eliminating this item because the method of providing recreational equipment and supplies is both adequate and satisfactory

Item 220 5—For support of the Department of Corrections. I eliminate this item.

I am eliminating this item because the existing inmate self help program is being accomplished through voluntary efforts at the present time and can be continued on this basis

Item 224—For support of Department of the Youth Authority I reduce this item from \$52,633,215 to \$52,428,215 by reducing paragraph (b) II Rehabilitative Services from \$50,004,679 to \$49,799,679

I am also deleting the following language from Item 224 relating to the reductions made in the appropriation itself

“Provided, that \$30,000 of the amount appropriated by this item shall be used for the sole purpose of development of a centralized recruiting program to aid in locating and employing better qualified personnel ”

I am also reducing the \$225,000 for a centralized training program to \$50,000.

I am eliminating the augmentation for centralized recruiting (\$30,000) because the State Personnel Board has funds in its existing program to meet the recruiting needs of the Department

I am reducing the augmentation for training (\$175,000) pending funding of the Department under a grant by the California Council on Criminal Justice for a centralized training program in conjunction with the Department of Corrections

Item 233—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures I reduce this item from \$664,517,365 to \$606,317,587 and eliminate the following language and schedule

“Provided, further, that of the amounts appropriated by this item, \$25,580,702 shall be expended, for the 1972-73 fiscal year only, in addition to all other amounts required by law, pursuant to the following schedule for relief of the counties for costs incurred in the implementation of Chapter 577 of the Statutes of 1971

Schedule

Alameda	1,254,192
Alpine	530
Amador	16,536
Butte	118,720
Calaveras	22,790
Colusa	15,052
Contra Costa	637,908
Del Norte	13,038
El Dorado	38,900
Fresno	728,538
Glenn	19,822
Humboldt	127,200
Imperial	45,580
Inyo	25,546
Kern	554,698
Kings	78,440
Lake	13,992
Lassen	13,144
Los Angeles	10,597,350
Madera	70,066
Marin	118,720
Mariposa	3,498
Mendocino	58,300
Merced	163,770
Modoc	12,720
Mono	3,286
Monterey	275,070
Napa	58,300
Nevada	45,050

Orange	1,101,970
Placer	96,778
Plumas	23,320
Riverside	546,960
Sacramento	914,462
San Benito	19,186
San Bernardino	684,972
San Diego	853,300
San Francisco	1,618,408
San Joaquin	783,340
San Luis Obispo	159,958
San Mateo	593,600
Santa Barbara	261,820
Santa Clara	996,400
Santa Cruz	141,510
Shasta	69,960
Sierra	1,378
Siskiyou	41,340
Solano	84,376
Sonoma	238,500
Stanislaus	278,780
Sutter	81,620
Tehama	30,740
Trinity	11,342
Tulare	301,570
Tuolumne	30,104
Ventura	294,256
Yolo	111,300
Yuba	79,500

I have eliminated \$25,580,702 and related language and schedule which were added to reduce the counties' share of costs under the Medi-Cal program. The present cost sharing as set forth in the statutes is equitable.

I am recommending the passage of AB 1282, by Assemblyman Arnett, which will provide some administrative relief to the counties through simplified billing procedures for reimbursement for Medi-Cal services rendered through county hospitals.

In addition I have reduced the funds for caseload expenditures in recognition of revised estimates by \$32,619,076.

Item 234—For support of Department of Human Resources Development I reduce this item from \$9,424,374 to \$8,163,874. A modification in Federal law has changed the state matching requirements. The original appropriation will be enough to match Federal money to properly fund the work incentive program under the new (9-1) sharing ratio.

Item 241—For support of Department of Mental Hygiene I reduce this item from \$6,910,096 to \$6,878,096 by reducing paragraph (b) Operating Expenses and Equipment from \$1,715,701 to \$1,683,701.

I have also deleted the following language from Item 241 which provides funds specifically for staff and related expenses of the Citizens' Advisory Council:

"Provided that, of this amount, \$32,000 shall be made available to the Citizens' Advisory Council solely for the purpose of providing independent staffing and expenses related thereof."

The Citizens' Advisory Council provides advice and assistance to the Director of Mental Hygiene. The Department can provide staff as needed to support the work of the Council.

Item 241.1—For support of Department of Mental Hygiene I eliminate this item. I have eliminated this item because the 1972-73 budget, as originally submitted, contains sufficient funds to maintain Mendocino State Hospital pending final disposition.

Item 246—For support of Department of Public Health I reduce this item from

\$12,197,502 to \$11,697,502 by reducing paragraph (b) Operating Expenses and Equipment from \$6,647,845 to \$6,147,845

I have eliminated additional funds for comprehensive health planning pending evaluation of efforts made to date by regional and local area comprehensive health planning agencies

Item 246 1—For support of Department of Public Health. I eliminate this item.

I am eliminating this augmentation of \$300,000 on the basis that \$600,000 remains available in 1972-73 for family planning from prior appropriations which will permit the orderly growth of this program while it is further evaluated.

Item 257 1—For Local Assistance, Department of Social Welfare—Unmet Shelter Needs. I reduce this item from \$3,000,000 to \$1,500,000

The 1971 Welfare Reform Act achieved a balance of various public assistance programs funded by the State and county governments. As a part of that balance it was agreed that the State would assume certain costs previously borne by counties, such as the costs of the Old Age Security and Aid to the Blind programs. It was also agreed that counties would assume full responsibility for some functions. Specifically, the Welfare Reform Act provided that counties provide special needs to AFDC welfare recipients in accordance with priorities determined at the county level. The reduction of Item 257 1 represents that portion which relates to the AFDC program. The remaining \$1,500,000 shall be allocated to the adult aid programs, which remain the fiscal responsibility of the State.

Item 261—For support of Department of Education. I reduce this item from \$6,172,638 to \$5,980,938 by reducing paragraph (a) Personal Services from \$15,156,501 to \$15,121,701 and paragraph (b) Operating Expenses and Equipment from \$8,711,545 to \$8,679,645, and eliminating paragraph (f)

I have reduced this item by eliminating the legislative augmentations in the amount of \$66,700 which were provided for additional staffing and related expenses. Consideration of proposed increases should be deferred until after the Superintendent of Public Instruction has completed the presently planned reorganization of the department. I have eliminated the \$125,000 legislative augmentation for the new careers program because there is insufficient information available to justify the proposed expansion of this relatively new program.

Item 264—For support of Special Schools, Department of Education. I reduce this item from \$9,963,325 to \$9,263,325 by eliminating paragraph (f)

I have reduced this item by eliminating the additional funds for a new school at Mendocino State Hospital because a study currently is being made of the existing facilities at Berkeley. The transfer from Berkeley to new facilities should consider all aspects of the program on a long range basis and should be based upon a plan recommended by the Superintendent of Public Instruction. The results of the study now being conducted may reveal other existing facilities or possible arrangements that would prove superior from a program viewpoint. I believe the matter must be thoroughly examined and alternatives considered in view of the significance of establishing new facilities.

Item 268.1—For support of transfer by the State Controller from the General Fund to the State Schools Fund for additional supplemental support. I reduce this item by \$8,000,000

I am reducing this item by \$8 million. The remaining \$24 million augmentation for supplemental support which I am approving is sufficient to fully fund the apportionment formulas in the item.

Item 269—For Public School Support, Department of Education. I eliminate this item.

I have eliminated this item because I am approving in Items 268 and 268 1 the expenditure of \$190 million appropriated by the Legislature for enhancement of education at the local level. The remaining \$73 million (\$65 million in Item 269 and \$8 million of Item 268 1) appropriated to local schools in this Act is not primarily directed toward the relief of low wealth school districts in accordance with the guidelines of the Serrano decision. There is ample time for the Legislature to enact a combination tax reform and school finance bill at this session and I have proposed one

such solution. The \$73 million will remain in surplus available to local schools at such time as the Legislature places on my desk a bill conforming to the general principles of the Serrano case. Should the Legislature adjourn this session without enacting such legislation, I am ordering that the Department of Finance clearly set forth in the budget documents an earmarked surplus of \$73 million as part of the money to be available for low wealth school districts whenever the Legislature completes work on comprehensive school tax financing reform.

Item 271—For support of Compensatory Education Program, Department of Education. I reduce this item from \$11,000,000 to \$10,518,000.

I have reduced this item by eliminating the unallocated funds for expansion of the Professional Development Centers. I have approved augmentations in the amount of \$60,000 for the project related to the University of California at Santa Cruz and \$100,000 for project LINKAGE related to the University of California at Los Angeles and \$108,000 for the project related to the Pasadena Unified School District, thereby funding all projects specified by the Legislature. The Professional Development Centers program has not had sufficient proven results to warrant expansion beyond that being authorized.

Item 272 1—For support of the Abstract Conceptually-Oriented Mathematics Program Act, Department of Education. I reduce this item from \$1,000,000 to \$500,000.

I have reduced this item because the funds remaining are sufficient to support demonstration programs which will permit a proper evaluation of this instructional method AB 1644 (Russell) now being considered by the Legislature will provide for a complete evaluation of this program.

Item 273—For support of Children's Centers, Department of Education. I reduce this item from \$21,892,700 to \$21,742,700 by reducing paragraph (a) Children's centers from \$28,522,988 to \$28,372,988.

I have reduced this item by eliminating funds for administrative costs related to establishment of centers at or near campuses of institutions of higher learning. The Department assured me at the time legislative authorization for such centers was enacted that there would be no additional state costs.

Item 273 1—For support of Department of Education. I eliminate this item.

Item 273 1 appropriates \$3,000,000 to the Department of Education for county child care and child care training programs. These funds were originally budgeted to the Department of Social Welfare. Item 273 1 is eliminated in the belief that the Department of Social Welfare is the appropriate agency to administer this program, particularly since the Department has long standing channels of communication and supervision established with county welfare departments. It would be necessary for Education to establish a parallel administrative structure if this program were transferred. In order to restore these funds to the child care program, I am requesting legislation to add the necessary appropriation.

Item 276—For support of Assistance to Public Libraries, Division of Libraries, Department of Education. I reduce this item from \$1,346,000 to \$800,000.

I have reduced this item to the current level of funding.

Item 277 1—For vocational education, Summer Work Program, Department of Education. I eliminate this item.

I have eliminated this program because it is essentially an employment program that can more properly and effectively be satisfied through existing manpower programs.

Item 280—For support of Project SHARE, Department of Education. I eliminate this item.

I have eliminated this item since it previously has been funded from the Miller-Unruh appropriation and it should continue to be financed from that resource. AB 612 (Vasconcellos) now before the Legislature can be used to direct Miller-Unruh funds for SHARE.

Item 283—For support of University of California. I reduce this item from \$357,636,442 to \$354,289,029.

The Regents of the University of California have provided for an appropriate and vigorous educational opportunity program from total funds available to the Regents,

therefore, it is not necessary to augment this program from the General Fund at this time

Despite the fact enrollments are failing to come up to budget levels, I nevertheless have not only maintained the same support for the University I proposed in January—which was predicated on higher projected enrollments—but I have retained legislative augmentations in the amount of \$1 7 million for research in mosquito control and university unemployment benefits The funds provided by the State to the University in 1972-73 are being increased by \$18 2 million over the current year's support level, plus \$27 million for salary increases

The Administration has allocated sufficient funds for the operation of the University The Legislature addressed the budget item by item The Regents have authority to redirect funds to specific needs and economies of operations together with prospective enrollment reductions which appear to be sufficient to meet specific needs.

Item 283.1—For support of University of California I eliminate this item.

I am opposed to the elimination of tuition It is a necessity for financing of higher education. The Regents of the University of California have themselves implemented a tuition program. It exists and it is increasing in importance at every major university in the United States

Item 283 2—For support of a Department of Demography, University of California, Berkeley campus I eliminate this item

This item is being eliminated at the request of the University

Item 283 3—For support of the Institute of Traffic and Transportation Engineering, University of California I reduce this item from \$551,362 to \$460,871 by reducing paragraph (b) from \$90,491 to \$0

The program at the UCLA Campus is being reduced at the request of the University

Item 290—For support of Hastings College of Law I reduce this item from \$1,586,826 to \$1,554,426 by reducing paragraph (b) Operating Expenses and Equipment from \$770,371 to \$737,971

An augmentation I am approving will provide state and federal funds for the National Defense Student Loan Program and thereby assist the financial aids effort

Item 290 1—For support of Hastings College of Law. I eliminate this item

The Coordinating Council for Higher Education has advised me that there is insufficient evidence to support the need for an additional law school in the State of California Therefore, I am eliminating this item for this year

Item 290 2—For support of Hastings College of Law I eliminate this item.

I am opposed to the elimination of tuition It exists and it is increasing in importance at every major university in the United States

Item 291—For support of Trustees of the California State Colleges and the California State Colleges I reduce this item from \$343,442,373 to \$342,870,597 by reducing paragraph (a) Personal Services from \$350,659,350 to \$350,192,340 and paragraph (b) Operating Expenses and Equipment from \$80,352,604 to \$80,347,838, and paragraph (c) Reimbursements from \$—87,569,581 to \$—87,669,581 I am also reducing the \$313,849 for the educational television station at San Diego to \$213,849

I reduce this item for the following reasons

San Diego Educational Television \$100,000

The \$213,849 which already has been budgeted for the station is adequate to reimburse its operations for instructional programs on the campus

Planning funds for Year-round Operation 50,000

Substantial amounts of funds have been spent in previous years at San Francisco State and the current budget already contains some funds for this purpose

State Health Benefits increase from \$12 to \$14 421,776

Funds for this purpose are to be provided from existing resources

Item 292—For support of Trustees of the California State Colleges and the California State Colleges I reduce this item from \$5,909,602 to \$4,733,922 by reducing

paragraph (a) from \$3,331,680 to \$2,156,000.

This action retains an augmentation of \$2,156,000 for Educational Opportunity Program grants, including 3,500 first year students at \$440 each and 2,800 second year students at \$220 per student.

The state-supported program for educationally disadvantaged students in the California State Colleges is thereby increased over 100% with the grant portion reflecting a five-fold increase by this action

Item 296—For support of community college extended opportunity programs, Board of Governors of the California Community Colleges I reduce this item from \$6,600,000 to \$4,850,000

This action will provide an increase of nearly 50% in this program over the current year

The emphasis of the Educational Opportunity Program at the Community Colleges is consistent with the Master Plan for Higher Education and will provide eligible students with the greatest opportunity for academic success.

Item 298—For support of scholarship awards, State Scholarship and Loan Commission I reduce this item from \$30,422,705 to \$29,447,194 by reducing paragraph (a) Competitive Scholarship Program from \$24,401,816 to \$23,426,305

The legislative augmentation is being reduced by \$975,511 because we have been informed by the State Scholarship and Loan Commission that actual scholarship need is now projected at \$962 per award winner.

Item 300.4—For capital outlay, Department of General Services, for working drawings for a state office building in San Jose I eliminate this item

Information provided by the Department of General Services shows that a state constructed building in San Jose cannot be economically justified at this time

Item 308 1—For capital outlay, University of California I eliminate this item

I am opposed to the elimination of tuition It is a necessity for financing higher education The Regents of the University of California have themselves implemented a tuition program The importance of tuition is increasing for every major university in the United States

Item 308 6—For capital outlay, University of California I reduce this item from \$8,500,000 to \$7,900,000 by reducing paragraph (a) from \$8,500,000 to \$7,900,000

The current appraisal by the Department of General Services indicates that the funds retained in this item will provide Sacramento County fair market value for the land, improvements, equipment and supplies to be transferred to the University of California

Item 318.2—For capital outlay, Department of Parks and Recreation I reduce this item from \$9,153,900 to \$7,053,900 by eliminating paragraphs (a-8) Refugio State Beach acquisition—\$1,900,000, and (b-1) San Diego Museum development—\$200,000

The Refugio acquisition is not included in departmental priority lists. Consequently there is no present program to justify the purchase of this property The San Diego Museum funding is contained in legislation I recently signed and is therefore not required in this act

Item 318 5—For capital outlay, Department of Fish and Game Salmon and Steelhead study I eliminate this item.

This study is not appropriately a capital outlay item and if needed, should be accomplished within the Department of Fish and Game support budget

Section 10 4—For reappropriation of funds for Children's Centers and family and child development. I eliminate this section and delete the following language

"Notwithstanding any other provisions of law, Item 274 (a) and Item 259 (b), Budget Act of 1971 are reappropriated for the same purposes to the Department of Education and Department of Social Welfare, respectively, and shall be available until June 30, 1973 "

I have eliminated this reappropriation of funds because the 1972-73 budget provides adequate funds for the program and it is more effective management to maintain the program on an annual funding basis

Section 10 7—For support of Department of Social Welfare I eliminate this section

and delete the following language

“The unexpended balance of funds appropriated to the Department of Social Welfare by Chapter 578, Statutes of 1971, Section 39.7(b), is hereby reappropriated to the Department of Education for the cost of child care services and child care training programs pursuant to the provisions of Sections 10811 and 10811 5, Welfare and Institutions Code, provided, that the Department of Finance may, by executive order, transfer funds in augmentation of the amount scheduled in subdivision (h) of Item 258 for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248 ”

Action on this section is taken in conjunction with my reduction to Item 273 1 County child care programs should continue to be under the jurisdiction of the Department of Social Welfare since that Department is presently equipped to maintain the day-to-day county supervision that is necessary Section 10.7 would have transferred the funds to the Department of Education Elimination of Sec 10.7 will ensure that unexpended child care funds will continue to be available in 1972-73 to Social Welfare for child care programs

Section 19.6—For early announcement of awards and grants by the Scholarship and Loan Commission I reduce the amounts reflected in this section by a total of \$1,750,899 by reducing the amount for scholarship awards, paragraph (a), from \$29,000,000 to \$27,850,862 and the amount for graduate fellowship awards, paragraph (b), from \$1,560,000 to \$958,239

I have reduced amounts in this section in conformity with action taken on Item 298 and also to maintain the graduate fellowship program funding at approximately \$1,000,000

With the above deletions and reductions, I hereby approve Senate Bill No 50

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the “Budget Act of 1972.”

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1972-73 fiscal year beginning July 1, 1972, and ending June 30, 1973. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Item

Amount

GENERAL GOVERNMENT

LEGISLATIVE

1—For salaries of Senators	\$780,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3—For expenses of Members of the Senate	356,400
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund.....	8,744,131
5—For salaries of Assemblymen	1,560,000
6—For mileage of Assemblymen and statutory officers of the Assembly.....	3,600
7—For expenses of Members of the Assembly	712,800
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund.....	12,237,387
9—For expenses of Joint Legislative Committee for the Revision of the Penal Code.....	169,871
9.5—For expenses of Joint Legislative Committee on Siting of Teaching Hospitals..... provided, that funds appropriated in this item shall be expended in accordance with the Supplemental Report of the Committee on Conference on the Budget Act of 1972.	200,000
10—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders..... to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	1,000
11—For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications	4,550,000
Notwithstanding any other provision of Section 2 of this act, this appropriation shall be available without regard to fiscal years; provided further, that funds appropriated by this item shall not be expended for the purpose of providing the compilation of any California code or portion thereof in	

Item	Amount
computer usable form, except as expressly authorized in writing by the Joint Rules Committee.	
12—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee	4,039,000
13—For support of Legislative Counsel Bureau	2,072,572
14—For support of California Law Revision Commission	175,900
15—For support of California Commission on Uniform State Laws	23,100
16—For state’s contribution to the Legislators’ Retirement Fund, in accordance with Section 9358 of the Government Code	642,134

JUDICIAL

17—For support of Supreme Court of California, Courts of Appeal, Judicial Council of California and Commission on Judicial Qualifications..... provided, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council subject to being reported to the Director of Finance.	9,404,206
18—For support of Judicial Council, for implementing uniformity and consistence of procedure in traffic courts, payable from the Motor Vehicle Fund	17,897
19—For state’s share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	12,286,216
provided, that any funds which are unexpended due to vacancies in judgeships may be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairman of the Judicial Council.	
19.5—For transfer by the State Controller to the Judges’ Retirement Fund	420,000

EXECUTIVE

20—For support of Governor and of Governor’s office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	1,690,450
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Item	Amount
20.1—For support of the Governor’s office, for printing of the Governor’s Budget	250,000
21—For support of Governor’s residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
22—For rental of Governor’s residence	15,000
provided, that funds appropriated by this item shall be expended in amounts of not to exceed \$1,250 each month to be made available until such time as the state provides a new residence for the Governor.	
23—For special contingent expenses, Governor’s office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	15,000
23.1—For support of Office of Intergovernmental Management in the Governor’s office	134,163
and in addition thereto, any amounts received from federal grants or other sources. Provided, that the state clearinghouse shall forward copies of all state agencies’ comments on proposed federal regulations to the Chairman of the Joint Legislative Budget Committee or his designee, and the chairman of the committee in each house which considers appropriations. Provided, further, that the Office of Intergovernmental Management shall transmit a report to the Legislature by December 1, 1972, assessing the impact of the Federal Model City Program in California and its effectiveness in solving community problems.	
23.2—For support of Council on Intergovernmental Relations in the Governor’s office	47,541
24—For support of Agriculture and Services Agency	118,753
24.1—For support and preparation of premises of the Revenue Consolidated Data Center, Agriculture and Services Agency	0
Schedule:	
(a) Support	3,252,959
(b) Transfers from other items	-2,985,675
(c) Reimbursements	-267,284
Provided that no funds appropriated in this item or obtained from any other source may be expended by the Consolidated Data Center or any state agency for whom services are to be performed by the Consolidated Data Center, pursuant to a contract for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplemental Report of the Commit-	

Item

Amount

tee on Conference on the Budget Act of 1972, during fiscal year 1972-73 or any expenditures budgeted for fiscal year 1973-74 for such activities in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies, as these terms are defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, is competitive-bid; provided further, that any expenditures under this item shall comply completely with the provisions of Section 4 of this act; provided further, that any expenditure under this item shall comply with provisions of the Supplemental Report of the Committee on Conference on the Budget Act of 1972; provided further, that no expenditures may be made under this item unless legislation expressly authorizing the Revenue Consolidated Data Center is enacted at the 1972 Regular Session.

25—For support of Business and Transportation Agency, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 192,776

26—For support of Business and Transportation Agency 9,402
to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 25 of this act.

26.1—For support and preparation of premises of the Business and Services Consolidated Data Center, Business and Transportation Agency 0
Schedule:

(a) Support..... 15,448,945

(b) Transfers from other items.....-11,259,523

(c) Reimbursements -4,189,422

Provided that no funds appropriated in this item or obtained from any other source may be expended by the Consolidated Data Center or any state agency for whom services are to be performed by the Consolidated Data Center, pursuant to a contract for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, during fiscal year 1972-73 or any expenditures budgeted for fiscal year 1973-74 for such activities

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in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies, as these terms are defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, is competitively bid; provided further, that any expenditures under this item shall comply completely with the provisions of Section 4 of this act; provided further, that any expenditure under this item shall comply with provisions of the Supplemental Report of the Committee on Conference on the Budget Act of 1972; provided further, that no expenditures may be made under this item unless legislation expressly authorizing the Business and Services Consolidated Data Center is enacted at the 1972 Regular Session.

27—For support of Human Relations Agency 301,096
 provided that, any rule or regulation adopted by the Secretary of the Human Relations Agency during the 1972-73 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

27.1—For support of the Human Relations Consolidated Data Center, Human Relations Agency 0
 Schedule:

- (a) Support..... 6,800,604
- (b) Transfers from other items..... -2,209,662
- (c) Reimbursements -4,590,942

Provided that no funds appropriated in this item or obtained from any other source may be expended by the Consolidated Data Center or any state agency for whom services are to be performed by the Consolidated Data Center, pursuant to a contract for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, during fiscal year 1972-73 or any expenditures budgeted for fiscal year 1973-74 for such activities in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies, as these terms are defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, is competitively bid; provided further, that any expenditures

Item	Amount
under this item shall comply completely with the provisions of Section 4 of this act; provided further, that any expenditure under this item shall comply with provisions of the Supplemental Report of the Committee on Conference on the Budget Act of 1972; provided further, that no expenditures may be made under this item unless legislation expressly authorizing the Human Relations Consolidated Data Center is enacted at the 1972 Regular Session.	
28—For support of Resources Agency	301,178
provided that \$50,000 of the amount appropriated by this item shall be available without regard to fiscal year; provided further, that \$25,000 of the amount so available shall be expended by the agency for the development of the California Protected Waterway Plan; provided further, that \$25,000 shall be expended on grants to local agencies for development of detailed waterway management plans pursuant to Section 2 of Chapter 761 of the Statutes of 1971; provided further, such grants shall only be made to a local agency which matches funds received on a dollar-for-dollar basis.	
29—For support of Office of Emergency Services, California Emergency Council and advisory committees	1,006,451
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Schedule:	
(a) Personal services	1,500,275
(b) Operating expenses and equipment	939,162
(c) Reimbursements	-691,308
(d) Federal grants	-743,650
(e) Consolidated data center	1,972
Provided, that the funds appropriated in subitem (e) may be allocated by the Office of Emergency Services to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions there- to, may transfer the unencumbered balance of	

Item	Amount
subitem (e) to Item 24.1.	
30—For support of Office of Planning and Research Schedule:	89,457
(a) Personal services	140,648
(b) Operating expenses and equipment	28,809
(c) Federal grants	-80,000
30.1—For support of the Office of Planning and Research, in augmentation of Item 30	28,500
provided, that the Office of Planning and Research shall prepare an inventory of lands of statewide significance or of critical concern, or both, as defined in the Environmental Goals and Policy Report issued by the Governor's office, dated April, 1972; provided further, that these lands shall be described in sufficient detail to allow cities and counties to ascertain the precise area considered significant and critical; provided further, that the office shall hold public hearings on the Environmental Goals and Policy Report to be sure that the inventory includes all lands which are of statewide significance or lands which are of critical concern, or both, such hearings to be completed by January 1, 1974.	
31—For support of Lieutenant Governor	335,163
Schedule:	
(a) Personal services	243,117
(b) Operating expenses and equipment	85,174
(c) Consolidated data center.....	6,872
Provided, that the funds appropriated in subitem (c) may be allocated by the Lieutenant Governor to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (c) to Item 26.1.	
35—For support of Commission of the Californias.....	40,031
37—For support of Department of Commerce.....	1,752,188
Schedule:	
(a) Personal services	1,444,395
(b) Operating expenses and equipment	656,250
(c) Minor capital outlay	54,000

Item	Amount
(d) Celebration of 150th anniversary of City of Sonoma	25,000
(e) Reimbursements	-427,457

provided, that the funds appropriated in subitem (d) shall be available to the Office for Promotion of Economic Development for expenditure in cooperation with the City of Sonoma.

GENERAL ADMINISTRATION

38—For support of Department of Justice	25,607,657
Schedule:	
(a) Personal services	23,470,994
(b) Operating expenses and equip- ment	8,280,798
(c) Reimbursements	-3,803,702
(d) Amount payable from tort liability (Item 46)	-796,086
(e) Amount payable from Motor Ve- hicle Account in the State Trans- portation Fund created by Chapter 1243, Statutes of 1971 (Item 39)	-2,570,271
(f) Federal grants.....	-2,091,839
(g) Amount payable from Chapter 1429, Statutes of 1970	-10,000
(h) Consolidated data center	3,127,763

Provided, that the funds appropriated in subitem (h) may be allocated by the Director of the Department of Justice to subitems (a), (b), and (c) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Law Enforcement Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (h) to Item 39.1.

Provided, that the department shall report to the Legislature on the accuracy and completeness of the criminal histories entered and maintained in the Criminal Justice Information System, and the criteria and procedure for entering such histories in the system; provided further, that on or before May 1, 1973, the Central Registry of the Department of Justice shall be transferred in its entirety to a more efficient location.

Item	Amount
38.1—For support of the Department of Justice, in augmentation of Item 38, for litigation and other related expenses connected with litigation regarding title to certain portions of San Francisco Bay	134,000
39—For support of Department of Justice, to be transferred to and in augmentation of Item 38, Budget Act of 1972, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	2,570,271
39.1—For support of the Law Enforcement Consolidated Data Center, Department of Justice	0
Schedule:	
(a) Support.....	3,246,971
(b) Transfers from other items.....	-3,127,763
(c) Reimbursements	-119,208
<p>Provided that no funds appropriated in this item or obtained from any other source may be expended by the Consolidated Data Center or any state agency for whom services are to be performed by the Consolidated Data Center, pursuant to a contract for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, during fiscal year 1972-73 or any expenditures budgeted for fiscal year 1973-74 for such activities in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies, as these terms are defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, is competitively bid; provided further, that any expenditures under this item shall comply completely with the provisions of Section 4 of this act; provided further, that any expenditure under this item shall comply with provisions of the Supplemental Report of the Committee on Conference on the Budget Act of 1972; provided further, that no expenditures may be made under this item unless legislation expressly authorizing the Law Enforcement Consolidated Data Center is enacted at the 1972 Regular Session.</p>	
40—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund.....	934,595

Item	Amount
Schedule:	
(a) Personal services	685,400
(b) Operating expenses and equip- ment	249,195
41—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund.....	12,170,000
42—For support of California Council on Criminal Jus- tice to and including the 60th day following the adjournment of the 1972 Regular Session of the Legislature..... provided, that any amounts remaining unexpended from this appropriation shall be transferred to Item 42.5 for expenditure; provided further, that the council shall immediately fund the develop- ment of a master plan for automated information and communications systems containing a de- scription of existing and proposed state and local systems, their capacities, uses, users, and costs; provided further, that the master plan shall con- tain recommendations for legislation or regula- tions preventing duplication of data systems and communications networks, a description of the se- curity and privacy standards that will be main- tained in these systems, an outline of the legislative or administrative actions that must be taken to establish a coordinated system, and a summary statement of the purposes and uses of criminal justice information and communications systems, together with detailed performance standards; provided further, that if any of the foregoing conditions result in the California law being declared out of conformity with federal law by appropriate federal agency, the money appro- priated by this item shall be available for expen- diture without regard to such condition.	132,414
42.5—For support of the California Criminal Justice Board and the Advisory Committee on Criminal Justice, in implementation of the provisions of As- sembly Bill 375 of the 1972 Regular Session..... provided, that if A.B. 375 results in the California law being declared out of conformity with federal law by the appropriate federal agency, the money appropriated by this item shall be for the support of the California Council on Criminal Justice;	37,377

Item	Amount
<p>43—For expenditure by California Council on Criminal Justice until the 61st day following the adjournment of the 1972 Regular Session and thereafter by the California Criminal Justice Board created by Assembly Bill No. 375 of the 1972 Regular Session for the state's cash match and buy-in for federal grants made by the Law Enforcement Assistance Administration, to be allocated by the Department of Finance.....</p> <p>provided, that if A.B. 375 results in the California law being declared out of conformity with federal law by the appropriate federal agency, the money appropriated by this item shall be for expenditure by the California Council on Criminal Justice; provided further, the amounts available under this item shall not exceed the amounts required for the state's cash match for federal grants made by the Law Enforcement Assistance Administration; provided further, that the state's contributions to local projects required by federal law shall be on a project basis, proportionate to project costs; provided further, that in the event the requirement that state contributions be on a project basis, proportionate to project costs, results in the California law being declared out of conformity with federal law by the appropriate federal agency, the money appropriated by this item shall be available for expenditure without regard to such requirement; provided further, that the money appropriated by this item shall be available for expenditure until June 30, 1975.</p>	5,750,000
44—For support of the California Crime Technological Research Foundation	78,750
45—For contribution to counties for providing legal assistance to indigents in accordance with Section 987.6 of the Penal Code	1,429,500
45.5—For payment to counties for the cost of trials of state prisoners pursuant to Section 4700.2 of the Penal Code, Department of Finance	500,000
46—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for	

Item	Amount
<p>the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance</p> <p>and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state of the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.</p>	<p>1,000,000</p>
<p>46.5—For tort liability claims that may arise from damages caused by structural deficiency of the State Capitol Building, State Board of Control</p>	<p>5,000,000</p>
<p>47—For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, including claims not subject to legislative approval, approved by the State Board of Control after the operative date of Chapter 1269 of the Statutes of 1971 and prior to July 1, 1972, State Board of Control.....</p> <p>Schedule:</p> <p>(a) Claims..... 850,000</p> <p>(b) Attorney General services 50,000</p> <p>and in addition thereto, there is hereby appropriated for the purpose of this item any amount on deposit in the Indemnity Fund, pursuant to Section 13964 of the Government Code.</p>	<p>900,000</p>
<p>48—For support of State Controller.....</p> <p>Schedule:</p> <p>(a) Personal services 6,489,514</p> <p>(b) Operating expenses and equipment 2,448,451</p>	<p>7,006,382</p>

Item	Amount
(c) Reimbursements	-731,297
(d) Amount payable from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund (Item 49)	-106,358
(e) Amount payable from the Motor Vehicle Fuel Account in the Transportation Tax Fund (Item 50)	-990,255
(f) Amount payable from the State School Building Aid Fund (Item 51)	-159,801
(g) Amount payable from the Aeronautics Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 (Item 52)	-81,103
(h) Consolidated data center	137,231

The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1972-73 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1972-73 fiscal year.

Provided, that the funds appropriated in subitem (h) may be allocated by the Controller to subitems (a), (b), and (c) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (h) to Item 26.1.

49—For support of State Controller, payable from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund	106,358
50—For support of State Controller, payable from the Motor Vehicle Fuel Account in the Transportation Tax Fund.....	990,255
51—For support of State Controller, payable from the State School Building Aid Fund	159,801
52—For support of State Controller, payable from the Aeronautics Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971..	81,103
53—For support of State Board of Equalization	26,088,116

Item	Amount
Schedule:	
(a) Personal services	28,349,549
(b) Operating expenses and equipment	6,362,688
(c) Reimbursements	-6,690,528
(d) Amount payable from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund (Item 54)	-1,147,386
(e) Amount payable from the Motor Vehicle Fuel Account in the Transportation Tax Fund (Item 55)	-1,370,553
(f) Consolidated data center	584,346
Provided, that the funds appropriated in subitem (f) may be allocated by the board to subitems (a), (b), and (c) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (f) to Item 24.1.	
54—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund	1,147,386
55—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Account in the Transportation Tax Fund	1,370,553
56—For support of Secretary of State	2,359,468
Schedule:	
(a) Personal services	1,419,826
(b) Operating expenses and equipment	699,610
(c) Minor capital outlay	25,000
(d) Reimbursements	-29,100
(e) Consolidated data center	244,132
Provided, that the Department of Finance shall monitor the progress of the consolidation effort including an evaluation of the cost of EDP services provided by the Department of General Services to the Secretary of State and in the event this monitoring activity discloses that actual EDP expenses to the Secretary of State are in excess of current estimates and where the increase is due to the cost of receiving EDP services from the De-	

Item	Amount
partment of General Services, that the Department of Finance take steps to effect a proper adjustment to the budget of the Secretary of State; provided further, that on and after January 1, 1973, the Los Angeles office of the Secretary of State shall be in one of the state buildings in Los Angeles only; provided further, that the funds appropriated in subitem (e) may be allocated by the Secretary of State to subitems (a), (b), and (d) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 26.1.	
57—For printing constitutional amendments and other ballot measures, Secretary of State	282,500
58—For payment of per diem and mileage allowance to each presidential elector, in accordance with Section 25108 of the Elections Code, Secretary of State	1,700
59—For support of California Heritage Preservation Commission	800
60—For support of State Treasurer	1,062,774
Schedule:	
(a) Personal services	917,205
(b) Operating expenses and equipment	402,465
(c) Reimbursements	-356,466
(d) Consolidated data center	99,570
Provided, that the funds appropriated in subitem (d) may be allocated by the State Treasurer to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 26.1.	
61—For support of Department of Finance	4,648,873
Schedule:	
(a) Personal services	3,845,882
(b) Operating expenses and equipment	721,651

Item Amount

- (c) Reimbursements -150,450
- (d) Consolidated data center 231,790

Provided, that the funds appropriated in subitem (d) may be allocated by the director to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 26.1.

- 61.1—For transfer to and in augmentation of the items of appropriation for support and preparation of premises for the Business and Services Consolidated Data Center, Business and Transportation Agency (Item 26.1) and the Revenue Consolidated Data Center, Agriculture and Services Agency (Item 24.1), upon order of the Department of Finance 400,000

Provided, that no funds appropriated in this item or obtained from any other source may be expended by the Consolidated Data Center or any state agency for whom services are to be performed by the Consolidated Data Center, pursuant to a contract for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, during fiscal year 1972-73 or any expenditures budgeted for fiscal year 1973-74 for such activities in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies, as these terms are defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, is competitively bid; provided further, that any expenditures under this item shall comply completely with the provisions of Section 4 of this act; provided further, that no expenditures may be made under this item unless legislation expressly authorizing the Business and Services Consolidated Data Center is enacted at the 1972 Regular Session.

- 61.2—For transfer to and in augmentation of the support appropriation for the Human Relations Consolidated Data Center, Human Relations Agency

Item

Amount

(Item 27.1), upon order of the Department of Finance for expenses related to establishing a data center 1,000,000

Prior to transfer of these augmentation funds, a plan shall be developed by the Human Relations Agency and submitted to the State Data Processing Officer no later than December 1, 1972, which shall provide for: (a) the conversion of work now in process on computers in the Departments of Public Health and Mental Hygiene, (b) the work in the Department of Social Welfare associated with the IBM 360/30 and the Central Issuance of ID Cards processing, and (c) the orderly establishment of a consolidated data center in the agency which serves all member departments; provided further, this plan shall also be submitted to the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations no later than December 1, 1972.

Provided further, that no funds appropriated in this item or obtained from any other source may be expended by the Consolidated Data Center or any state agency for whom services are to be performed by the Consolidated Data Center, pursuant to a contract for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, during fiscal year 1972-73 or any expenditures budgeted for fiscal year 1973-74 for such activities in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies, as these terms are defined in the Supplemental Report of the Committee on Conference on the Budget Act of 1972, is competitively bid; provided further, that any expenditures under this item shall comply completely with the provisions of Section 4 of this act; provided further, that no expenditures may be made under this item unless legislation expressly authorizing the Human Relations Consolidated Data Center is enacted at the 1972 Regular Session.

61.3—For shipping and installation costs related to the rental of a computer, Department of Public Works, exempt from Section 4 of this act..... 100,000

Item	Amount
Schedule:	
(a) Operating expenses and equipment	192,000
(b) Reimbursements	-92,000
62—For support of Commission on California State Government Organization and Economy.....	54,692
provided, the executive secretary of the commission shall report any borrowing, or use, of personnel from any other state agency to the Chairman of the Joint Legislative Budget Committee or his designee and the chairman of the committee in each house which considers appropriations on November 1, 1972.	
63—For support of California Commission on Interstate Cooperation	110,730
64—For support of Military Department	4,364,564
Schedule:	
(a) Personal services	4,439,143
(b) Operating expenses and equipment	2,075,860
(c) Minor capital outlay	57,900
(d) Reimbursements	-84,304
(e) Federal grants	-2,124,035
provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government.	
65—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department	448,506
66—For support of California Cadet Corps	100,653
Schedule:	
(a) Personal services	52,441
(b) Operating expenses and equipment	48,212
67—For support of Public Utilities Commission	7,333,388
Schedule:	
(a) Personal services	11,109,835
(b) Operating expenses and equipment	2,293,635
(c) Reimbursements	-160,000
(d) Amount payable from the Transportation Rate Fund (Item 68)	-6,044,224

Item	Amount
(e) Consolidated data center	134,142
Provided, that the funds appropriated in subitem (e) may be allocated by the commission to sub-items (a) and (b) above and expended therefrom for electronic data-processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 26.1.	
68—For support of Public Utilities Commission, payable from the Transportation Rate Fund	6,044,224

MISCELLANEOUS

69—For support of Commission on the Status of Women.....	49,500
69.1—For support of Intergovernmental Board on Electronic Data Processing.....	30,250
Provided, that in addition to the basic responsibilities assigned the board by law, the funds available to the board shall be used to the fullest extent possible to develop the best possible communications between state and local governmental units in the development and implementation of coordinated data-processing systems to achieve the maximum amount of interchangeability between the various levels of government.	
70—For support of California Arts Commission	200,030
71—For support of California Horse Racing Board, payable from the Fair and Exposition Fund	420,712
Schedule:	
(a) Personal services	316,945
(b) Operating expenses and equipment	103,767
72—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund.....	37,030
73—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation	4,503,764

Item

Amount

provided, that no portion of these funds shall be used to pay employer contributions under the Meyers-Geddes State Employees' Medical and Hospital Care Act with respect to an enrollment of any annuitant during an open enrollment period occurring after January 1, 1971, or any enrollment not authorized under rules of the Board of Administration in effect on January 1, 1971.

- 74—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law, for refunding of amounts withheld and deposited in a fund in the State Treasury to any person who is determined to be liable to a taxpayer by reason of withholding and transmitting payments of taxes, interest, and penalties for the refund of which no other provision is made by law, and for payment or prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code 30,000
 provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.

PROPERTY TAX RELIEF

- 75—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board 56,000,000
- 76—For reimbursement to local taxing authorities for revenue lost by reason of the repeal or reduction of the property tax on the following classes of property affected by the following provisions of the Revenue and Taxation Code: (1) business inventories under Section 219; (2) motion pictures under Section 988; (3) livestock under Section 5523; and (4) wine and brandy under Section 992; State Controller 138,000,000
 The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in subdivision (a) of Government Code Section 16100 as added by Chapter 1, Statutes of 1971, First Extraordinary Session.
- 77—For providing reimbursement to local taxing au-

Item	Amount
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thortities for revenue lost by reason of the assessment of open-space lands under Sections 423 and 423.5 of the Revenue and Taxation Code, and in accordance with the provisions of Government Code Sections 16107–16118, inclusive, as added by Chapter 1 of the Statutes of 1971, First Extraordinary Session, State Controller	13,000,000
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The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in subdivision (a) of Government Code Section 16100, as added by Chapter 1, Statutes of 1971, First Extraordinary Session, and may not be augmented.

78—For reimbursement to local taxing authorities for revenue lost by reason of the homeowners’ property tax exemption granted pursuant to Section 1d of Article XIII of the Constitution	254,800,000
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DEBT SERVICE

79—For payment of interest, on order of the Director of Finance, on transfers of money from any fund or account subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Pooled Money Investment Board to be a rate of interest prescribed by Section 16310 of the Government Code	2,000,000
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UNALLOCATED

80—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service exclusive of personnel in the University of California and in the California State Colleges, whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1972 by the State Personnel Board or other salary-fixing authority; provided, that the salary increases authorized by this item shall be distributed by salary-

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setting authorities on an across-the-board basis of a 7½-percent increase except where (1) due to statutory salary limitations employees would receive compensation in excess of their superiors, or (2) specific agreements that involve “red circle” rates or salary withholding actions are in effect and therefore preclude such increases

46,688,000

For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item; provided, that such salary increases authorized by this item shall be distributed by salary-setting authorities on an across-the-board basis of 7½-percent increase except where (1) due to statutory salary limitations employees would receive compensation in excess of their superiors, or (2) specific agreements that involve “red circle” rates or salary withholding actions are in effect and therefore preclude such increases; which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the 1972–73 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

80.1—For inequity salary increases, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available for inequity salary increases established by the State Personnel Board or other salary-fixing agency to be paid each state officer or employee in the state service exclusive of personnel in the University of California and in the California State Colleges, whose compensation, or

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portion thereof, is chargeable to the General Fund	22,000,000
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For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide inequity salary increases including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

80.5—For salary increase fund	177,000
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to be allocated by the Department of Finance pursuant to Section 11569 of the Government Code to the several state offices, departments, boards, bureaus, commissions, and other state agencies in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer whose salary is specified by statute and whose salary is paid from the General Fund, an increase in compensation of 7½ percent for the fiscal year 1972-73, payable in an amount per month determined by the Department of Finance that will ensure that such state officers receive a 7½-percent increase in total compensation for the entire fiscal year and each such salary is so increased. For those state officers whose salaries are set by statute and whose compensation, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers are paid an amount sufficient to provide increases in compensation of 7½ percent for each such officer for the fiscal year 1972-73 payable in an amount per month determined by the Department of Finance that will ensure that such state officers receive a 7½-percent increase in total compensation for the entire fiscal year and each such salary is so increased, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes. This item shall not apply to those state officers whose offices are established by Article IV, V or IX of the California

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Constitution and filled by a vote of the electors or officers subject to the provisions of Section 68203 of the Government Code. This item shall also apply to the salaries of the secretaries and other personnel of the Governor who are appointed pursuant to Section 12001 of the Government Code and shall thus be construed as authorizing the Governor to fix each such salary in an amount 7½ percent in excess of such statutory maximum during the period when funds are made available by this item.

81—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1972, for the 1972–73 fiscal year by the regents of the university

33,274,000

Schedule:
(a) For increases in compensation for faculty and faculty-related positions..... 22,188,000

(b) For increases in compensation for nonfaculty positions 11,086,000

provided, that the salary increases authorized by this item shall be distributed by salary-setting authorities on an across-the-board basis of 12½ percent for faculty and faculty-related positions under (a) of this item and 7½ percent for non-faculty positions under (b) of this item, except where specific prior agreements exist for withholding personnel from salary range increases, provided, that increase in compensation provided by increased salary ranges for positions established for the 1972–73 fiscal year shall not result in total annual salary increases, including staff benefits, of more than \$33,274,000.

Before the Regents of the University of California establish any increased salary range or rate for the 1972–73 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.

81.1—For university inequity salary increases, to be

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<p>allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of inequity increases in compensation provided for in any increased salary range or rate established on or after July 1, 1972, for the 1972-73 fiscal year by the regents of the university Schedule:</p> <p>(a) Faculty and faculty-related positions..... 4,438,000</p> <p>(b) Nonfaculty positions..... 3,695,000</p> <p>82—For California State Colleges salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1972, for the 1972-73 fiscal year by the Trustees of the California State Colleges 35,445,000</p> <p>Schedule:</p> <p>(a) For increases in compensation for instructional and instructional-related positions..... 26,918,000</p> <p>(b) For increases in compensation for noninstructional positions 8,527,000</p> <p>provided, that the salary increases authorized by this item shall be distributed by salary-setting authorities on an across-the-board basis of 12½ percent for instructional and instructional-related positions under (a) of this item, and 7½ percent for noninstructional positions under (b) of this item, except where specific prior agreements exist for withholding personnel from salary range increases, provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1972-73 fiscal year shall not result in total annual salary increases, including staff benefits, of more than \$35,445,000.</p>	

Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1972-73 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may

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be made available from the appropriation in this item, to meet the cost of such increases.

82.1—For California State Colleges inequity salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of inequity increases in compensation provided for in any increased salary range or rate established on or after July 1, 1972, for the 1972–73 fiscal year by the Trustees of the California State Colleges Schedule: 8,226,000

(a) Instructional and instructional-related positions..... 5,384,000

(b) Noninstructional positions..... 2,842,000

83—For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state’s share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code..... 688,000

84—For allocation by executive order of the Department of Finance to the several state agencies in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available from the General Fund for an increase of \$2 per month in the state’s contribution for the cost of a basic health benefits plan, for annuitants, state officers and employees in accordance with Sections 22825, 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation 2,062,000

For state officers and employees whose compensation is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide payment of an increase of \$2 per month in the state’s contribution for the cost of a basic health benefits plan for state officers and employees in accordance with Sections 22825, 22828 and 22829 of the Government Code, which amount is to be made available by executive order of the Department of Finance to the several state agencies in augmentation of their respective appropriations for support for other

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purposes.

Provided, that no portion of these funds shall be used to pay employer contributions under the Meyers-Geddes State Employees' Medical and Hospital Care Act with respect to an enrollment of any annuitant during an open enrollment period occurring after January 1, 1971, or any enrollment not authorized under rules of the Board of Administration in effect on January 1, 1971.

84.1—For allocation by executive order of the Department of Finance to the several state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available from the General Fund for the payment of workmen's compensation benefits in accordance with Sections 4453, 4455, 4460, 4650, 4658, and 4702 of the Labor Code, which is not chargeable to any other appropriation

1,000,000

For state officers and employees whose workmen's compensation benefits are, or would be, payable from special funds, there is hereby appropriated from each special fund from which such officers and employees' workmen's compensation benefits are, or would be, paid, an amount sufficient to provide payment of increased workmen's compensation benefits in accordance with Sections 4453, 4455, 4460, 4650, 4658, and 4702 of the Labor Code, which amount is to be made available by executive order of the Department of Finance to the several state agencies in augmentation of their respective appropriations for support or other purposes.

85—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies.....

1,000,000

and in addition, \$1,500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no

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appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than \$100,000 of this item may be expended for emergencies for which no such prior authorization exists.

Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.

Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1972-73 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.

86—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule 156,695

Schedule:

- (a) General Fund 115,937
- (b) Fish and Game Preservation Fund 335
- (c) State Highway Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 7,141
- (d) Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 1,597
- (e) Motor Vehicle Fuel Account in the Transportation Tax Fund..... 2,113
- (f) Motor Vehicle License Fee Account in the Transportation Tax Fund 144

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(g) State Fair Fund	351
(gx) Peace Officers' Training Fund ..	40
(h) Manpower Development Fund....	182
(i) Unemployment Administration Fund	1,723
(j) Unemployment Compensation Disability Fund	411
(k) Water Resources Revolving Fund	6,857
(l) Health Care Deposit Fund	19,864

provided, that the funds appropriated from the Health Care Deposit Fund shall be payable only subject to the following conditions: (1) The claim of the Ross Plaza Pharmacy, as submitted to the State Board of Control on November 16, 1971, shall be subject to audit; (2) The claim of the Ross Plaza Pharmacy is restricted to billings handled under subcontract with Welscript of California; (3) The claims handled by Welscript of California, constituting the Ross Plaza Pharmacy claims against the state, shall be limited to those handled during the period of November 1, 1970, to February 28, 1971, inclusive; (4) The audit discloses that the Ross Plaza Pharmacy took all necessary steps in a timely fashion to submit billings upon becoming aware of the Welscript of California firm dissolution of business in November 1970; and (5) The amount determined by audit shall not exceed the sum of \$18,000.

AGRICULTURE AND SERVICES

87—For support of Department of Agriculture	12,438,786
Schedule:	
(a) Personal services	18,127,000
(b) Operating expenses and equip- ment	6,435,091
(c) Emergency pest detection and eradication.....	911,725
(d) Reimbursements	-3,552,515
(e) Amount payable from the Depart- ment of Agriculture Fund (Sec- tions 224(1) and 224(2), Agricultural Code)	-1,500,000
(f) Amount payable from the Depart- ment of Agriculture Fund (Item 88)	-7,863,527
(g) Amount payable from the Fair and Exposition Fund (Item 89)....	-256,701

Item	Amount
(h) Consolidated data center 137,713 Provided, that the funds appropriated in subitem (h) may be allocated by the Director of Agriculture to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data processing functions thereto, may transfer the unencumbered balance of subitem (h) to Item 24.1.	
88—For support of Department of Agriculture, payable from the Department of Agriculture Fund	7,863,527
89—For support of Department of Agriculture, payable from the Fair and Exposition Fund	256,701
90—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code	171,600
91—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1972-73 fiscal year, Department of Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code	446
92—The sum of \$130,000 of the money appropriated by Section 19627 of the Business and Professions Code, for support of district agricultural fairs or combined county and district agricultural fairs, is hereby reappropriated from the Fair and Exposition Fund during the 1972-73 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	
93—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, Office of Emergency Services The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this	88,600

Item	Amount
<p>item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.</p>	
94—For support of State Board of Accountancy, payable from the Accountancy Fund	458,746
95—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund	146,960
Schedule:	
(a) Support.....	134,447
(b) Consolidated data center	12,513
Provided, that the funds appropriated in subitem (b) may be allocated by the board to subitem (a) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (b) to Item 24.1.	
96—For support of State Athletic Commission	195,100
96.5—For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the Automotive Repair Fund.....	2,740,000
Schedule:	
(a) Personal services	1,255,579
(b) Operating expenses and equipment	1,484,421
97—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund	469,857
98—For support of Board of Behavioral Science Examiners of the State of California, payable from the Behavioral Science Examiners Fund	135,178
99—For support of Cemetery Board, payable from the Cemetery Fund	85,407
100—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund	115,177
101—For support of Bureau of Collection and Investiga-	

Item	Amount
tive Services, Department of Consumer Affairs, payable from the Collection Agency Fund	209,310
102—For support of Bureau of Collection and Investiga- tive Services, Department of Consumer Affairs, payable from the Private Investigator and Ad- juster Fund	106,212
103—For support of Contractors' State License Board, payable from the Contractors' License Fund	2,876,688
Schedule:	
(a) Personal services	1,819,447
(b) Operating expenses and equip- ment	1,028,057
(c) Consolidated data center.....	29,184
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Sec- tion 4 of this act; provided further, that the Direc- tor of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-pro- cessing functions thereto, may transfer the unen- numbered balance of subitem (c) to Item 24.1.	
104—For support of State Board of Cosmetology, pay- able from the Board of Cosmetology's Contingent Fund	938,187
Schedule:	
(a) Personal services	309,668
(b) Operating expenses and equip- ment	615,813
(c) Consolidated data center.....	12,706
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Sec- tion 4 of this act; provided further, that the Direc- tor of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-pro- cessing functions thereto, may transfer the unen- numbered balance of subitem (c) to Item 24.1.	
105—For support of Board of Dental Examiners of Cali- fornia, payable from the State Dentistry Fund....	382,947
106—For support of State Board of Dry Cleaners, pay- able from the Dry Cleaners' Fund.....	328,379
Notwithstanding the provision of Section 14660.5 of, and Sections 16346 to 16350, inclusive, of the Government Code, or any other provisions of law,	

Item	Amount
any money in the Dry Cleaner's Fund not appropriated for administering and enforcing the provisions of Chapter 18 (commencing with Section 9500) of Division 3 of the Business and Professions Code, or augmentations under Section 11006 of the Government Code, shall remain in such fund and shall not be used for any other purpose.	
107—For support of Bureau of Employment Agencies, Department of Consumer Affairs, payable from the Bureau of Employment Agencies Fund	254,886
108—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund.....	122,675
109—For support of Bureau of Furniture and Bedding Inspection, Department of Consumer Affairs, payable from the Bureau of Furniture and Bedding Inspection Fund.....	548,854
110—For support of State Board of Registration for Geologists, payable from the Geology Fund	50,011
111—For support of State Board of Guide Dogs for the Blind	5,000
112—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund.....	39,851
113—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners	1,693,465
Schedule:	
(a) Personal services	321,220
(b) Operating expenses and equipment	1,386,245
(c) Reimbursements	-14,000
114—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund	52,798
115—For support of Board of Medical Examiners of the State of California, payable from the Hearing Aid Dispensers Fund	29,642
116—For support of State Board of Examiners of Nursing Home Administrators, payable from the Nursing Home Administrator's State License Examining Board Fund	75,483
117—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund	819,949

Item	Amount
Schedule:	
(a) Personal services	348,850
(b) Operating expenses and equip- ment	454,321
(c) Consolidated data center.....	16,778
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (c) to Item 24.1.	
118—For support of Nurses' Registry, payable from the Nurses' Registry Fund	14,031
119—For support of State Board of Optometry, payable from the State Optometry Fund.....	86,623
120—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners	14,452
121—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund	764,699
Schedule:	
(a) Personal services	373,661
(b) Operating expenses and equip- ment	391,038
122—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund	733,449
Schedule:	
(a) Personal services	429,035
(b) Operating expenses and equip- ment	304,414
123—For support of Bureau of Repair Dealer Services, Department of Consumer Affairs, payable from the Repair Services Fund	322,706
124—For support of Certified Shorthand Reporters' Board, payable from the Shorthand Reporters' Fund	45,124
125—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund	525,298
Schedule:	
(a) Personal services	180,528
(b) Operating expenses and equip- ment	323,202

Item	Amount
(c) Consolidated data center.....	21,568
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (c) to Item 24.1.	
126—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund.....	95,818
127—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund	465,743
128—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code	75,617
129—For support of State Board of Control	151,207
130—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, to be transferred by the State Controller to Item 131, Budget Act of 1972, in accordance with the following schedule	1,531,322
Schedule:	
(a) Support.....	401,322
(b) Payment of interest and principal on revenue bonds	1,130,000
provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditure from category (b) of this item; provided further, that no more than \$181,322 of the amount contained in this item shall be expended for support of the executive committee if admissions fees are raised.	
131—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on	

Item	Amount
revenue bonds to meet the provisions of Govern- ment Code Section 15849, payable from the State Fair Fund	0
Schedule:	
(a) Support.....	2,787,664
(b) Payment of interest and principal on revenue bonds	1,130,000
(c) Amount payable from General Fund (Item 130)	-1,531,322
(d) Amount payable from State Fair Fund as revenue from operations	-2,051,342
(e) Amount payable from the State Fair Fund (Item 132)	-265,000
(f) Reimbursements.....	-70,000
132—For support of California Exposition and Fair Ex- ecutive Committee, payable from the State Fair Fund, in accordance with Section 19622, Business and Professions Code	265,000
133—For support of State Fire Marshal	937,256
Schedule:	
(a) Personal services	990,443
(b) Operating expenses and equip- ment	185,813
(c) Reimbursements	-164,000
(d) Amount payable from Dry Clean- ers' Fund (Item 134)	-75,000
134—For support of State Fire Marshal, payable from the Dry Cleaners' Fund	75,000
135—For support of Franchise Tax Board	32,324,456
Schedule:	
(a) Personal services	20,068,738
(b) Operating expenses and equip- ment	10,207,911
(c) Reimbursements	-86,238
(d) Consolidated data center	2,134,045
Provided, that the funds appropriated in subitem (d) may be allocated by the board to subitems (a) and (b) above and expended therefrom for elec- tronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legis- lation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 24.1.	
136—For support of Department of General Services	5,608,757

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for transfer to the Service Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize; provided, that the money so transferred shall not be available for expenditure after June 30, 1973, and any unencumbered balances shall be returned to the General Fund as of June 30, 1973; provided further, that the 50 additional officers of the California State Police shall, except on a temporary basis to meet emergency situations, be assigned as follows:

- (a) 20 to the Sacramento area (14.4 man-years to patrol state buildings, primarily the Capitol)
- (b) 7 to protect constitutional officers and Members of the Legislature
- (c) 2 for bomb disposal teams
- (d) 1 to the Redding area
- (e) 10 to the San Francisco area
- (f) 10 to the Los Angeles area

137—For support of Department of General Services, payable from the State School Building Aid Fund 1,000,530

138—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund, or any special fund, by the provisions of this act that part of such appropriation which is intended to be used and is available, for the purchase or replacement of automobiles and reproduction equipment and provided any funds in the Service Revolving Fund may be used to purchase equipment from the General Fund or special funds of the state at the depreciated value at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period.

139—For expenditure by Office of State Printing, Department of General Services, payable from the Service Revolving Fund 22,360,731
Schedule:

- (a) Personal services 9,505,590
- (b) Operating expenses and equipment 12,555,792

Item	Amount
(c) Consolidated data center.....	299,349
<p>Provided, that the funds appropriated in subitem (c) may be allocated by the Department of General Services to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (c) to Item 26.1. Provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.</p>	
140—For support of Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing.....	67,991,238
Schedule:	
(a) Personal services	29,634,137
(b) Operating expenses and equipment	42,878,352
(c) Minor capital outlay	100,000
(d) Amount payable from the General Fund (Item 136)	-5,608,757
(e) Amount payable from the State School Building Aid Fund (Item 137)	-1,000,530
(f) Consolidated data center.....	1,988,036
<p>provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance. Provided further, that the funds appropriated in subitem (f) may be allocated by the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (f) to Item 26.1.</p>	

Item	Amount
141—For expenditure by Office of Architecture and Construction, Department of General Services, payable from the Architecture Revolving Fund, for the purposes specified in Section 14957 of the Government Code	4,719,639
Schedule:	
(a) Personal services	4,152,919
(b) Operating expenses and equipment	1,014,520
(c) Reimbursements	-447,800
provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation; provided further, that during 1972-73 fiscal year, the Office of Architecture and Construction, Department of General Services, shall gradually reduce expenditures for staff to a level commensurate with the funds necessary to maintain a staff sufficient to perform a basic architectural and engineering services workload volume of \$25 million as projected to June 30, 1973.	
142—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund Schedule:	1,438,280
(a) Personal services	1,098,390
(b) Operating expenses and equipment	339,890
143—For support of Department of Industrial Relations Schedule:	23,153,389
(a) Personal services	19,884,505
(b) Operating expenses and equipment	3,869,477
(c) Reimbursements	-301,290
(d) Federal grants	-434,782
(e) Consolidated data center	135,479
Provided, that the funds appropriated in subitem (e) may be allocated by the Department of Industrial Relations to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unen-	

Item	Amount
cumbered balance of subitem (e) to Item 26.1.	
144—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations	2,004,000
145—For support of State Personnel Board	9,023,636
Schedule:	
(a) Personal services	5,404,404
(b) Operating expenses and equipment	1,630,712
(c) For implementation of Division 4 (commencing with Section 12000) of the Unemployment Insurance Code, pursuant to subdivision (d), Section 39.7, Chapter 578, Statutes of 1971	3,757,000
(d) Reimbursements	-1,857,148
(e) Consolidated data center	88,668
Provided, that the funds appropriated in subitem (e) may be allocated by the State Personnel Board to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 26.1.	
146—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 147, Budget Act of 1972	18,000
147—For support of Board of Administration of the Public Employees' Retirement System, payable from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code	4,568,071
Schedule:	
(a) Personal services	3,552,527
(b) Operating expenses and equipment	1,536,241
(c) Reimbursements	-415,086
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 148)	-592,066
(e) Amount payable from General Fund (Item 146)	-18,000

Item	Amount
(f) Consolidated data center	504,455
<p>Provided, that the funds appropriated in subitem (f) may be allocated by the board to subitems (a), (b), and (c) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (f) to Item 26.1.</p>	
148—For support of Board of Administration of the Public Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code	592,066
149—For support of State Teachers' Retirement System, payable from the Teachers' Retirement Fund	3,535,813
Schedule:	
(a) Personal services	2,593,768
(b) Operating expenses and equipment	999,463
(c) Reimbursements	-289,000
(d) Consolidated data center	231,582
<p>Provided, that the funds appropriated in subitem (d) may be allocated by the system to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 26.1.</p>	
150—For support of Department of Veterans Affairs ..	749,752
Schedule:	
(a) Personal services	958,494
(b) Operating expenses and equipment	93,493
(c) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 151)	-372,016
(d) Consolidated data center	69,781

Item	Amount
<p>Provided, that the funds appropriated in subitem (d) may be allocated by the Department of Veterans Affairs to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 26.1.</p>	
151—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943	372,016
152—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code..	2,085,100
153—For support of Veterans' Home of California	3,903,692
Schedule:	
(a) Personal services	6,733,174
(b) Operating expenses and equipment	1,466,595
(c) Reimbursements	-1,784,640
(d) Federal grants	-2,511,437
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.	
The Veterans' Home of California shall collect from home members, after due consideration of income and family status, fees and charges for domiciliary, nursing home, and hospital care.	
154—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943	500,000

BUSINESS AND TRANSPORTATION

BUSINESS

155—For support of Department of Alcoholic Beverage Control	6,441,851
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Item	Amount
Schedule:	
(a) Personal services	5,246,640
(b) Operating expenses and equip- ment	1,202,291
(c) Reimbursements	-20,000
(d) Consolidated data center	12,920
Provided, that the funds appropriated in subitem (d) may be allocated by the Department of Al- coholic Beverage Control to subitem (b) above and expended therefrom for electronic data proc- essing, subject to the provisions of Section 4 of this act; provided further, that the Director of Fi- nance, upon the enactment of legislation creating the Revenue Consolidated Data Center and au- thorizing transfers of electronic data-processing functions thereto, may transfer the unencum- bered balance of subitem (d) to Item 24.1.	
156—For support of Alcoholic Beverage Control Ap- peals Board	140,203
Schedule:	
(a) Personal services	114,500
(b) Operating expenses and equip- ment	25,703
157—For support of State Banking Department	0
Schedule:	
(a) Personal services	20,000
(b) Operating expenses and equip- ment	12,500
(c) Reimbursements	-32,500
158—For support of State Banking Department, to be transferred to and in augmentation of Item 157, Budget Act of 1972, upon order of the Depart- ment of Finance, payable from the State Banking Fund	32,500
provided, that this amount shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Fi- nance.	
159—For support of State Banking Department, pay- able from the State Banking Fund	1,626,134
Schedule:	
(a) Personal services	1,357,400
(b) Operating expenses and equip- ment	268,734
160—For support of Department of Corporations	3,187,000
Schedule:	
(a) Personal services	3,572,041
(b) Operating expenses and equip- ment	667,937

Item	Amount
(c) Reimbursements	-1,077,978
(d) Consolidated data center	25,000
Provided, that the funds appropriated in subitem (d) may be allocated by the Director of Corporations to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to item 26.1.	
161—For support of Department of Housing and Community Development	1,312,662
Schedule:	
(a) Personal services	1,847,065
(b) Operating expenses and equipment	612,511
(c) Reimbursements	-954,228
(d) Federal reimbursements	-197,786
(e) Consolidated data center	5,100
Provided, that the funds appropriated in subitem (e) may be allocated by the Department of Housing and Community Development to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 24.1.	
162—For support of Department of Insurance	3,230,197
Schedule:	
(a) Personal services	3,801,959
(b) Operating expenses and equipment	1,010,242
(c) Reimbursements	-1,582,004
163—To the Department of Insurance for reimbursement of the Crime Insurance Pool pursuant to Chapter 10 (commencing with Section 10101) of Part 1 of Division 2 of the Insurance Code	50,000
164—To pay the state's share of the cost of providing riot and civil disorders insurance pursuant to Chapter 2 of the Insurance Code	1,650,000
165—For support of Department of Real Estate, payable from the Real Estate Fund	3,609,133

Item	Amount
Schedule:	
(a) Personal services	2,614,098
(b) Operating expenses and equip- ment	1,342,436
(c) Reimbursements	-60,000
(d) Amount payable from the Real Es- tate Education, Research and Recovery Fund—Education Re- search (Item 166 (a))	-198,401
(e) Amount payable from the Real Es- tate Education, Research and Re- covery Fund—Recovery Act (Item 166 (b))	-150,000
(f) Consolidated data center	61,000
Provided, that the funds appropriated in subitem (f) may be allocated by the Department of Real Estate to subitem (b) above and expended there- from for electronic data processing, subject to the provisions of Section 4 of this act; provided fur- ther, that the Director of Finance, upon the enact- ment of legislation creating the Business and Services Consolidated Data Center and authoriz- ing transfers of electronic data-processing func- tions thereto, may transfer the unencumbered balance of subitem (f) to Item 26.1.	
166—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recov- ery Fund	520,401
Schedule:	
(a) Education research	370,401
(b) Recovery Act	150,000
to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Department of Real Estate, to carry out the provisions of Section 10451.5 of the Business and Professions Code.	
167—To Department of Real Estate, payable from the education and research account of the Real Estate Education, Research and Recovery Fund for the purpose of endowing a Real Estate Chair at the University of California, the conditions governing said endowment shall be specified by the Real Estate Commissioner	500,000
168—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund	2,925,825

Item Amount

Schedule:

- (a) Personal services 2,366,159
- (b) Operating expenses and equip-
ment 534,666
- (c) Consolidated data center..... 25,000

Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Savings and Loan to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (c) to Item 26.1.

TRANSPORTATION

- 169—For support of State Transportation Board, Office of Transportation Planning and Research, to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 172 of this act 8,254
 - 170—For support of State Transportation Board, Office of Transportation Planning and Research, payable from the Aeronautics Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 172 of this act 4,357
 - 171—For support of State Transportation Board, Office of Transportation Planning and Research, payable from the Harbors and Watercraft Revolving Fund, to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 172 of this act 1,452
 - 172—For support of State Transportation Board, Office of Transportation Planning and Research, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 315,831
- Schedule:
- (a) Personal services 197,593
 - (b) Operating expenses and equip-
ment 132,301

Item	Amount
(c) Amount payable from General Fund (Item 169)	-8,254
(d) Amount payable from Aeronautics Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 (Item 170)	-4,357
(e) Amount payable from Harbors and Watercraft Revolving Fund (Item 171)	-1,452
173—For support of Department of Aeronautics, payable from the Aeronautics Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	555,740
Schedule:	
(a) Personal services	351,289
(b) Operating expenses and equipment	316,813
(c) Reimbursements	-112,362
provided, that the department limit its expenditures relative to providing input into the National Transportation Needs Study to an amount not to exceed \$43,113 for the 1972-73 fiscal year regardless of source of funding. If any portion of the \$43,113 or any lesser amount consists of federal funding, the Aeronautics Account shall be reimbursed in an amount equal to the federal funding and the reimbursement shall be reflected as a savings to the Aeronautics Account and shall not be expended by the department for any other support purpose during the 1972-73 fiscal year.	
174—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	132,255,814
Schedule:	
(a) Personal services	108,537,592
(b) Operating expenses and equipment	24,935,908
(c) Minor capital outlay	90,895
(d) Reimbursements	-1,606,200
(e) Consolidated data center	297,619
Provided, that the funds appropriated in subitem (e) may be allocated by the Department of the California Highway Patrol to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation	

Item	Amount
creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 26.1.	
175—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971.	
176—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund.	11,641
177—For support of Department of Motor Vehicles, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	65,354,398
Schedule:	
(a) Personal services	59,760,897
(b) Operating expenses and equipment	16,962,073
(c) Reimbursements	-5,972,515
(d) Amount payable from Motor Vehicle License Fee Account in the Transportation Tax Fund (Item 178)	-8,930,621
(e) Amount payable from Harbors and Watercraft Revolving Fund (Item 179)	-650,686
(f) Amount payable from the California Environmental Protection Program Fund (Item 180)	-237,860
(g) Amount payable from Driver Training Penalty Assessment Fund (Chapter 1454, Statutes of 1969)	-58,511
(h) Amount payable from the Abandoned Vehicle Trust Fund	-274,758
(i) Consolidated data center	4,756,379
provided that, if the State Air Resources Board defers the requirement for exhaust emission control devices as set forth in Chapter 1507, Statutes of 1971, the funds included herein for implemen-	

Item	Amount
<p>tation of Section 4602 of the Vehicle Code shall be reduced accordingly and no notification of the general public under Section 7 of Chapter 1507, Statutes of 1971, shall be made.</p> <p>Provided, any surplus accumulated from the service and transfer fee portion of the program established pursuant to Chapter 1816 of the Statutes of 1971 shall be continuously appropriated to the Off-Highway Vehicle Fund.</p> <p>Provided further, that the funds appropriated in subitem (i) may be allocated by the Department of Motor Vehicles to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (i) to Item 26.1.</p>	
<p>178—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Account in the Transportation Tax Fund to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 177 of this act, as provided by Section 11003 of the Revenue and Taxation Code.</p>	8,930,621
<p>179—For support of Department of Motor Vehicles, payable from the Harbors and Watercraft Revolving Fund to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 177 of this act, for undocumented vessel registration and fee collection.</p>	650,686
<p>180—For support of Department of Motor Vehicles, payable from the California Environmental Protection Program Fund to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 177 of this act, as provided by Section 39071 of the Health and Safety Code.</p>	237,860
<p>180.5—For support of the Department of Motor Vehicles, payable from the Abandoned Vehicle Trust Fund</p>	274,758

Item	Amount
to be transferred to the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971, in augmentation of Item 177 of this act.	
181—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971.	
182—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	1,000,000
The appropriation made by this item shall be available without regard to fiscal years.	

RESOURCES

183—To Resources Agency for support of the Tahoe Regional Planning Agency	50,000
183.1—For support of California Advisory Commission on Marine and Coastal Resources, as provided by Sections 8800 to 8827, inclusive, of the Government Code, Resources Agency	52,885
184—For support of the Environmental Protection Program, Resources Agency and Business and Transportation Agency, payable from moneys in the California Environmental Protection Program Fund, to be allocated by the two secretaries.....	1,144,770
Schedule:	
(a) Purchase of ecological reserves	594,770
(1) Owens Pupfish Ecological Reserve	33,600
(2) Elliott Station, long-toed salamander	80,000
(3) Valencia Lagoon, long-toed salamander	27,000

Item	Amount
(4) Hidden Palms, desert slender salamander	32,000
(5) Piute Cypress Area	20,880
(6) Case Mountain	4,000
(7) Orestimba Creek ..	100,000
(8) Prince Island.....	2,000
(9) Castle Island	2,000
(10) West Marin Island	9,500
(11) Buena Vista Lagoon	10,000
(12) Mad River Slough Salt Island	3,840
(13) Elkhorn Slough ..	37,000
(14) Pescadero Marsh ..	32,750
(15) Saline Valley	25,200
(16) Grass Lake.....	60,000
(17) Badger Creek	42,400
(18) Old River Oxbow ..	22,600
(19) Battle Creek	50,000
(b) Environmental land classification and inventory	55,000
(c) Ecology education and school district environmental land acquisition and development	345,000
(d) Roadside ecological viewing areas ..	150,000
185—For support of State Air Resources Board, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	3,861,590
Schedule:	
(a) Personal services	3,345,999
(b) Operating expenses and equipment	2,095,591
(c) Reimbursements	-880,000
(d) Amount payable from General Fund (Item 185.1)	-700,000
185.1—For support of nonvehicular program, State Air Resources Board	700,000
186—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee.....	8,000
187—For support of California-Nevada Interstate Compact Commission	27,500
188—For support of Colorado River Board of	

Item	Amount
California	92,767
Schedule:	
(a) Personal services	224,879
(b) Operating expenses and equip- ment	53,450
(c) Reimbursements	-185,562
189—For support of Department of Conservation.....	43,554,654
Schedule:	
(a) Personal services	40,732,075
(b) Operating expenses and equip- ment	12,240,366
(c) Minor capital outlay	200,000
(d) Fire protection contract—coun- ties.....	2,942,056
(e) Fire protection contract—United States Forest Service	1,463,241
(f) Emergency fire suppression and detection	200,000
(g) Federal reimbursements.....	-728,300
(h) Reimbursements	-11,877,869
(i) Amount payable from Petroleum and Gas Fund (Item 190)	-1,406,633
(j) Amount payable from Petroleum and Gas Fund—Geothermal Re- sources Account (Item 191)	-15,750
(k) Amount payable from Subsidence Abatement Fund (Item 192)	-133,714
(l) Amount payable from Strong-Mo- tion Instrumentation Program Fund (Item 193)	-193,683
(m) Consolidated data center.....	132,865

provided, that an amount not more than \$1,000,-000 in emergency fire suppression and detection costs and related emergency revegetation costs, which exceed the amount scheduled in (f) can be expended from the amounts contained in schedules (a) and (b) without approval of the Department of Finance.

Provided further, that the funds appropriated in subitem (m) may be allocated by the Department of Conservation to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the

Item	Amount
unencumbered balance of subitem (m) to Item 26.1.	
190—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund	1,406,633
191—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Account.....	15,750
192—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund	133,714
193—For support of Department of Conservation in carrying out the functions of the Division of Mines and Geology, payable from the Strong-Motion Instrumentation Program Fund	193,683
194—For support of State Lands Division, State Lands Commission, Department of Conservation	1,674,000
Schedule:	
(a) Personal services	2,265,205
(b) Operating expenses and equipment	504,436
(c) Reimbursements	-58,887
(d) Amounts payable under the provisions of Chapter 138, Statutes of 1964	-1,083,754
(e) Consolidated data center	47,000
Provided, that the funds appropriated in subitem (e) may be allocated by the commission to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 26.1.	
195—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made	

Item	Amount
by this item.....	17,672,958
Schedule:	
(a) Personal services	12,629,050
(b) Operating expenses and equip- ment	7,136,600
(c) Minor capital outlay	129,000
(d) Reimbursements	-1,306,657
(e) Federal reimbursements	-943,235
(f) Consolidated data center	28,200
Provided, that the funds appropriated in subitem (f) may be allocated by the Department of Fish and Game to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authoriz- ing transfers of electronic data-processing func- tions thereto, may transfer the unencumbered balance of subitem (f) to Item 26.1.	
196—To pay for the purchase of land for game produc- tion, improvement of waterfowl areas and re- search in game management under the provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, and commercial fisheries re- search and development projects under the provi- sions of the Commercial Fisheries Research and Development Act (Bartlett Act), Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item	4,274,800
Schedule:	
(a) Pitmann-Robertson program	2,966,600
(b) Dingell-Johnson program	810,800
(c) Commercial fish research and de- velopment	334,000
(d) Anadromous Fish Act	140,700
(e) Consolidated data center	22,700
provided, that any moneys received in reimburse- ment of expenditures from this item shall be cred- ited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.	
Provided further, that none of the funds, state	

Item	Amount
or federal, appropriated in this item shall be used for the purpose of constructing or operating any target ranges for sidearms. Provided, further that the funds appropriated in subitem (e) may be allocated by the Department of Fish and Game to subitems (b) and (d) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 26.1.	
197—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item	14,600
198—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code	185,500
199—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund	122,500
Schedule:	
(a) Personal services	88,685
(b) Operating expenses and equipment	33,815
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.	
200—For support of Klamath River Compact Commission	4,725
201—For support of Department of Navigation and Ocean Development	101,494
202—For preparation of Marine Transport, Terminal and Navigation Plan, Department of Navigation and Ocean Development	28,000

Item	Amount
and in addition thereto, any amounts received from federal grants or other sources.	
203—For support of Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund	1,159,331
Schedule:	
(a) Personal services	832,300
(b) Operating expenses and equipment	456,525
(c) Minor capital outlay	370,700
(d) Amount payable from General Fund (Item 201)	-101,494
(e) Amount payable from General Fund (Item 202)	-28,000
(f) Amount payable from Recreation and Fish and Wildlife Enhancement Fund (Item 329)	-120,700
(g) Consolidated data center	4,000
Provided, that the funds appropriated in subitem (g) may be allocated by the Department of Navigation and Ocean Development to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (g) to Item 26.1.	
204—For feasibility determinations in accordance with provisions of Section 85.3 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund	50,000
205—To pay the state's share of the cost of local participation required in connection with the Orange County Beach Erosion Control Project, in accordance with Section 335.5 of the Water Code, as added by Chapter 108 of the 1967 Regular Session, the state's share of small beach erosion projects as provided by Section 335.2 of the Water Code, and administrative costs, Department of Navigation and Ocean Development	128,700
Schedule.	

Item	Amount
(a) Orange County, Anaheim Bay Harbor to Newport Bay (stage 5 (b), state's share)	128,700
205.5—To pay the state's share of the cost of local participation in connection with small beach erosion projects, as provided by Section 67.1 of the Harbors and Navigation Code, City of San Diego, Sunset Cliffs (Segment B), Department of Navigation and Ocean Development	12,500
206—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund	2,905,000
Schedule:	
(a) Berkeley Marina—City of Berkeley	250,000
(b) San Leandro Marina.....	100,000
(c) Crescent City Harbor—Del Norte County	750,000
(d) Cabrillo Marina—Los Angeles Harbor	200,000
(e) Oceanside Harbor—San Diego County	250,000
(f) Santa Cruz Harbor	555,000
(g) Pillar Point Harbor—Half Moon Bay	700,000
(h) Planning loans	100,000
206.1—For a loan to the City of Avalon, pursuant to Section 71.4 of the Harbors and Navigation Code for repairs of pleasure pier within the harbor, Department of Navigation and Water Development, payable from the Harbors and Watercraft Revolving Fund	350,000
207—For grants for construction and development of small craft launching facilities to cities, counties, or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund	745,000
Schedule:	
(a) Mayflower Park—County of Riverside	145,000
(b) Packers Bay—Shasta Lake	400,000
(c) Trinity Center—Clair Engle Lake	175,000

Item	Amount
(d) Medicine Lake—County of Siskiyou.....	25,000
208—For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund	425,000
209—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms; and for payment of deficiencies in appropriations for the Department of Navigation and Ocean Development which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$100,000 or so much thereof as may be necessary, payable from the Harbors and Watercraft Revolving Fund.	
211—For support of Department of Parks and Recreation	20,597,566
Schedule:	
(a) Personal services	17,464,832
(b) Operating expenses and equipment	6,699,824
(c) Reimbursements	-2,115,380
(d) Amount payable from Item 212 ..	-1,454,000
(e) Amount payable from Item 213 ..	-178,592
(f) Amount payable from Off-Highway Vehicle Fund (Item 211.1) ..	-79,118
(g) Consolidated data center	260,000
Provided, that the funds appropriated in subitem (g) may be allocated by the Department of Parks and Recreation to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (g) to Item 26.1.	
211.1—For support of the Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund, to be transferred to and in augmentation of Item 211 of this act by the State Controller	79,118
212—For support of the Department of Parks and Rec-	

Item	Amount
<p>reation, to be transferred to and in augmentation of Item 211 of this act by the State Controller provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of these expenditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.</p>	1,454,000
213—For support of Department of Parks and Recreation, payable from Section 663.7(d) of the Harbors and Navigation Code, Harbors and Watercraft Revolving Fund, to be transferred to and in augmentation of Item 211 of this act by the State Controller	178,592
214—For support of Reclamation Board	252,704
Schedule:	
(a) Personal services	135,662
(b) Operating expenses and equipment	117,042
215—For support of San Francisco Bay Conservation and Development Commission	267,795
Schedule:	
(a) Personal services	218,291
(b) Operating expenses and equipment	74,504
(c) Reimbursements	-25,000
216—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies	11,208,000
Schedule:	
(a) Continuing formulation of the California Water Plan.....	6,055,000
(b) Implementation of the State Water Resources Development System	79,000
(c) Public safety and prevention of damage.....	4,714,740
(d) Services	359,260
(e) General management.....	4,324,147
(f) General Fund reimbursements ...	-844,073

Item Amount

- (g) Other fund reimbursements -3,480,074
- (h) Unallocated program reduction
for EDP -362,903
- (i) Consolidated data center 362,903

Provided, that the funds appropriated in subitem (i) may be allocated by the Department of Water Resources to the remainder of the schedule above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (i) to Item 26.1. provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1973, and any unencumbered balances shall be returned to the General Fund as of June 30, 1973; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose.

217—For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, and administrative costs, Department of Water Resources..... 7,500,000

provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.

Item	Amount
218—For support of State Water Resources Control Board	4,325,306
Schedule:	
(a) Personal services	5,017,000
(b) Operating expenses and equipment	6,209,696
(c) Reimbursements	-204,000
(d) Federal grants	-1,267,390
(e) Amount payable from Clean Water Bond Fund	-5,450,000
(f) Consolidated data center	20,000
Provided, that the funds appropriated in subitem (f) may be allocated by the board to subitem (b) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (f) to Item 26.1.	

HUMAN RELATIONS

219—For support of California Job Development Corporation Law Executive Board, including transfer to the Loan Guarantee Fund, in accordance with Section 14023 of the Corporations Code	406,988
220—For support of Department of Corrections	112,503,781
Schedule:	
(a) I. Reception and diagnosis	1,310,295
(b) II. Institutional program	91,229,830
(c) III. Releasing authorities	1,076,410
(d) IV. Community correctional program	15,563,540
(e) VI. Administration	3,323,706
provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 231, Budget Act of 1972. Provided further, that in the event legislation is enacted during the 1972 session which would exempt the Department of Corrections from the requirements of Section 1241 of the Business and Professions Code that medical laboratories be staffed with licensed laboratory technologists, then and in that event the 23	

Item	Amount
<p>new laboratory technicians approved in this budget item shall be deleted and this item reduced in the amount of \$119,370. Provided further, that of the amount appropriated in this item \$100,000 shall be used for the sole purpose of converting 300 positions from the classification correctional officer to the classification correctional program supervisor and that \$50,000 of this appropriation shall be used for the sole purpose of the development of a centralized recruiting program to aid in locating and employing better qualified personnel and that \$450,000 of this appropriation shall be used for the sole purpose of developing a centralized training program in conjunction with the new Regional Criminal Justice Training Centers with meaningful institutional training programs for department personnel.</p>	
220.2—For augmentation of the Inmate Welfare Fund, Department of Corrections	250,000
220.3—For increasing inmate pay slots, Department of Corrections	156,000
220.4—For increasing inmate wages, Department of Corrections	212,000
220.5—For staff support, inmate self-help groups, Department of Corrections	39,000
221—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq. of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code.....	120,842
<p>provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.</p>	
222—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code	359,275
<p>provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.</p>	
223—For court costs and county charges, payable under	

Item

Amount

Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections
 provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.

429,588

224—For support of Department of the Youth Authority.....

52,633,215

Schedule:

- (a) I. Community services..... 1,241,336
- (b) II. Rehabilitation services..... 50,004,679
- (c) III. Research..... 553,722
- (d) IV. Youth Authority Board..... 450,761
- (e) V. Administration undistributed.. 228,072
- (f) Consolidated Data Center 154,645

provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 231, Budget Act of 1972. Provided, that \$30,000 of the amount appropriated by this item shall be used for the sole purpose of development of a centralized recruiting program to aid in locating and employing better qualified personnel and that \$225,000 of this appropriation shall be used for the sole purpose of developing a centralized training program in conjunction with the new Regional Criminal Justice Training Centers with meaningful institutional training programs for department personnel. Provided further, that the funds appropriated in subitem (f) may be allocated by the Department of the Youth Authority to subitem (e) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Human Relations Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem

Item	Amount
(f) to Item 27.1.	
225—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators	43,540
provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
226—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,337,340
227—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	600,000
228—For payment of the state’s share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760 (d) of said code, Department of the Youth Authority.....	143,646
229—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code	33,300
230—For county delinquency prevention commissions and research and training grants, Department of the Youth Authority	200,000
provided, that grants for research and training in delinquency and crime prevention shall be allocated by the Director of the Youth Authority in accordance with Section 1752.6 of the Welfare and Institutions Code; provided further, that expenditure of these funds are contingent upon receipt of federal funds to initiate the programs in an amount equal to, or greater than, allocations from this appropriation.	
231—For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority	18,931,300

Item

Amount

provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1971-72 fiscal year. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965-66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.

232—For support of Department of Health Care Services, payable from the Health Care Deposit Fund and in addition thereto, any amounts received from federal grants or other sources; provided, that any rule or regulation adopted by the Director of the Department of Health Care Services during the 1972-73 fiscal year which adds to the cost of the Medical Assistance Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; provided further, that upon order of the Director of Finance additional funds may be transferred from the Health Care Deposit Fund for the cost of administering the extension of medical assistance program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene as provided in Item 245 of this act.

22,339,614

233—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures

664,517,365

provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for services for the 1972-73 fiscal year as defined in the Welfare and Institutions Code; provided further, that such additional amounts as may be determined by the Director of Finance as necessary to extend and administer Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene are hereby appropriated in augmentation of this item and shall be transferred to the Health Care Deposit Fund

Item

Amount

from the General Fund upon the certification of the Director of Finance; provided further, that upon recommendation of the Director of Health Care Services the Director of Finance may authorize the transfer of funds to Item 257(b) for residential care rate allowances. Provided further, that the appropriation in this item for Medi-Cal Management System shall be expended only for costs associated with the Medi-Cal Management System prototype operation in the two counties now in operation. Provided further, that none of the funds appropriated in this item shall be used for the purpose of beginning or implementing a statewide Medi-Cal Management System.

Provided, further, that of the amounts appropriated by this item, \$25,580,702 shall be expended, for the 1972-73 fiscal year only, in addition to all other amounts required by law, pursuant to the following schedule for relief of the counties for costs incurred in the implementation of Chapter 577 of the Statutes of 1971.

Schedule:

Alameda	1,254,192
Alpine	530
Amador	16,536
Butte	118,720
Calaveras	22,790
Colusa	15,052
Contra Costa	637,908
Del Norte	13,038
El Dorado	38,900
Fresno	728,538
Glenn	19,822
Humboldt	127,200
Imperial	45,580
Inyo	25,546
Kern	554,698
Kings	78,440
Lake	13,992
Lassen	13,144
Los Angeles	10,597,350
Madera	70,066
Marin	118,720
Mariposa	3,498
Mendocino	58,300
Merced	163,770
Modoc	12,720
Mono	3,286
Monterey	275,070

Item	Amount
Napa	58,300
Nevada	45,050
Orange	1,101,970
Placer	96,778
Plumas	23,320
Riverside	546,960
Sacramento	914,462
San Benito	19,186
San Bernardino	684,972
San Diego	853,300
San Francisco	1,618,408
San Joaquin	783,340
San Luis Obispo	159,958
San Mateo	593,600
Santa Barbara	261,820
Santa Clara	996,400
Santa Cruz	141,510
Shasta	69,960
Sierra	1,378
Siskiyou	41,340
Solano	84,376
Sonoma	238,500
Stanislaus	278,780
Sutter	81,620
Tehama	30,740
Trinity	11,342
Tulare	301,570
Tuolumne	30,104
Ventura	294,256
Yolo	111,300
Yuba	79,500
233.1—For allocation by the Department of Finance to the County of Sacramento to offset operating deficit at the Sacramento Medical Center during the 1972–1973 fiscal year	2,000,000
provided amounts appropriated in this item shall be reduced by the amount received by Sacramento County pursuant to the schedule of Item 233.	
234—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund for expenditure for the work incentive program as specified in Section 5400 of the Unemployment Insurance Code (Chapter 1369, Statutes of 1968)	9,424,374
provided, that the State Controller shall transfer these funds only at such time as federal funds from the United States Department of Labor (Title IV	

Item	Amount
of the Social Security Act of 1935, as amended by PL 90-248) are deposited in the Manpower Development Fund and no transfer so made shall exceed twenty-five (25) percent of the amount of federal funds so deposited; provided further, the amount available for transfer to the Manpower Development Fund shall be reduced by the amounts in cash or in kind available from other sources as the state's share of the work incentive program as determined by the State Department of Human Resources Development and certified to the State Controller.	
235—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund, for expenditure for the purposes of the Human Resources Development Act of 1968 commencing with Section 9000 of the Unemployment Insurance Code	3,857,581
Schedule:	
(a) General Fund	3,786,328
(b) Department of Human Resources Development Contingent Fund ..	71,253
236—For support of Department of Human Resources Development	138,889
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Schedule:	
(a) Office of Economic Opportunity	1,152,002
(b) Federal grants	-1,082,113
(c) Commission on Aging	747,840
(d) Federal grants	-678,840
236.1—For support of the Commission on Aging, in augmentation of Item 236(c), in accordance with the following schedule.....	167,300
Schedule:	
(a) Nutrition Program for the Elderly	147,000
(b) Retired Senior Volunteers Programs	20,300
237—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Human Resources Development.....	409,298

Item	Amount
Schedule:	
(a) Operations.....	2,265,825
(b) Federal grants	-1,856,527
238—For support of Department of Human Resources Development, payable from the Department of Human Resources Development Contingent Fund	530,295
and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.	
239—For support of Department of Human Resources Development, for the payment of expenses incurred by the Department of Finance in examining the books of the Department of Human Resources Development, pursuant to Section 13294 of the Government Code, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended	19,239
provided that:	
(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.	
(b) The period within which such money may be obligated is specifically limited to the period ending June 30, 1973.	
(c) The total amount obligated pursuant to this item during the 1972-73 fiscal year shall not exceed the amount by which	
(1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the 14 preceding fiscal years, exceeds	
(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 15 fiscal years.	
240—For administration of unemployment compensation disability benefits, Department of Human Resources Development, payable from the Unemployment Compensation Disability Fund	14,298,753
Schedule:	
(a) Personal services	10,969,391

Item	Amount
(b) Operating expenses and equip- ment	3,329,362
241—For support of Department of Mental Hygiene ..	6,910,096
Schedule:	
(a) Personal services	7,395,761
(b) Operating expenses and equip- ment	1,715,701
(c) Reimbursements	-2,700,787
(d) Consolidated data center	499,421
<p>Provided that, of this amount, \$32,000 shall be made available to the Citizens Advisory Council solely for the purpose of providing independent staffing and expenses related thereof.</p> <p>Provided, that the funds appropriated in subitem (d) may be allocated by the Director of Mental Hygiene to subitems (a), (b), and (c) above and expended therefrom for electronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Human Relations Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 27.1.</p>	
241.1—For maintenance of Mendocino State Hospital pending final disposition thereof, Department of Mental Hygiene	409,000
242—For research and training programs, Department of Mental Hygiene	1,661,347
Schedule:	
(a) Research.....	809,342
(b) Training.....	852,005
<p>Any amounts received for research and training programs, from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item. Provided, that research projects shall not duplicate research projects funded from this item nor from any other state or federal funding source.</p>	
242.5—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene	14,761,825
Schedule:	
(a) Personal services	11,914,085

Item		Amount
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	(b) Operating expenses and equip- ment	2,847,740
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provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.

Provided, that these funds are made available for conducting research programs into the causes and cures of mental retardation, aging, cognition, drug abuse, training in the care and treatment of the mentally retarded; care, treatment and rehabilitation of patients in these facilities under the programs for this item, and other research projects which are not duplications of other research projects funded by the state or through federal sources.

243—	For support of the hospitals for the mentally ill for judicially committed patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Mental Hygiene	19,531,664
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provided, that any portion of this item may be transferred upon order of the Department of Finance to Item 245, Budget Act of 1972, for assistance to local agencies for mental health services.

Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.

Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 244 for purposes of paying the cost of care of mentally retarded patients in a state hospital.

244—	For the Mental Retardation Program, Human Relations Agency, Office of Mental Retardation	111,740,467
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Item	Amount
Schedule:	
(a) State Operations	90,702,814
(1) State hospital serv ices, Department of Mental Hygiene	91,526,090
(2) Office of Mental Retardation	100,000
(3) Reimbursements ..	-128,303
(4) Federal reim- bursements	-694,973
(5) Federal grants	-100,000
(b) Local Assistance.....	21,037,653
(1) Regional Center operations, De- partment of Public Health.....	14,367,196
(2) Protective Living Services	16,281,505
(3) Family repay- ments	-549,590
(4) Federal reim- bursements	-2,822,953
(5) Federal grants	-6,238,505

Provided, that the Department of Finance may authorize the transfer of funds from this item to the Department of Social Welfare to match federal funds to provide protective living services to the mentally retarded.

Provided further, that upon order of the Director of Finance the State Controller shall transfer funds from subitem (a) to subitem (b) of this item only after the Director of Finance has given 30 days' prior notice of such proposed transfer, in writing, to the Chairman of the Joint Legislative Budget Committee and the chairmen of the fiscal committee of each house, outlining the following:

1. The total amount to be transferred.
2. The source and amount of funds to be transferred identified by state hospital.
3. The amount, classification and number of civil service positions to be abolished, identified by state hospital.
4. The amount, classification and number of civil service positions to be transferred and identification of where such positions are to be transferred.
5. The number of patients to be transferred to other state facilities and identification of such

Item

Amount

facilities by name.

6. The number of long-term care patients to be released from state hospitals to be placed in local program facilities on a 24-hour full-time basis and identification of the facility in which such patients will be placed.

7. The number of patients to be released from state hospitals who will not be immediately placed in local program facilities on a 24-hour full-time basis.

Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 243 for purposes of paying the cost of care of mentally retarded patients in a state hospital.

Provided further, that upon executive order of the Department of Finance, any portion of section (a), subsection (1) of this item which reflects savings due to reduction of population shall be transferred to and in augmentation of section (b), subsection (1) of this item.

245—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code, Department of Mental Hygiene

201,412,283

Schedule:

- (a) Local mental health services123,310,597
- (b) State-operated services 78,101,686

Provided, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for mental health services provided to patients eligible under the California Medical Assistance Program.

Provided further, that upon order of the Director of Finance the State Controller shall transfer funds from subitem (b) to subitem (a) of this item only after the Director of Finance has given 30 days' prior notice of such proposed transfer, in writing, to the Chairman of the Joint Legislative Budget Committee and the chairman of the fiscal committee of each house, outlining the following:

1. The total amount to be transferred.
2. The source and amount of funds to be transferred identified by state hospital.
3. The amount, classification and number of civil service positions to be abolished, identified

Item

Amount

by state hospital.

4. The amount, classification and number of civil service positions to be transferred and identification of where such positions are to be transferred.

5. The number of patients to be transferred to other state facilities and identification of such facilities by name.

6. The number of long-term care patients to be released from state hospitals to be placed in local program facilities on a 24-hour full-time basis and identification of the facility in which such patients will be placed.

7. The number of patients to be released from state hospitals who will not be immediately placed in local program facilities on a 24-hour full-time basis.

Provided further, that upon order of the Department of Finance, any portion of this item may be transferred to and in augmentation of Item 243, Budget Act of 1972.

Provided further, that upon order of the Department of Finance, such part of these appropriations that are related to the cooperative rehabilitation services program may be transferred to the Department of Rehabilitation to match federal funds for the cooperative rehabilitation services program to enable the state to make maximum utilization of available federal funds; provided further, that, of the amount appropriated by this item up to \$500,000 shall be available for expenditure for the purpose of matching federal funds to provide rehabilitation program for alcoholics. Provided further, that upon order of the Department of Finance, up to \$400,000 may be transferred from this item to Item 241, Budget Act of 1972, for the purpose of conducting evaluation studies of the local mental health programs as required by Chapter 1609, Statutes of 1971.

Provided further, that upon order of the Department of Finance funds may be transferred to the Department of Social Welfare to match federal funds in order to provide services to former, potential, and current recipients of public assistance receiving mental health services under the provisions of Division 5 of the Welfare and Institutions Code.

Item	Amount
246—For support of Department of Public Health	12,197,502
Schedule:	
(a) Personal services	16,754,004
(b) Operating expenses and equip- ment	6,647,845
(c) Reimbursements	-6,663,182
(d) Amount payable from the Motor Vehicle Account, State Transpor- tation Fund created by Chapter 1243, Statutes of 1971 (Item 248)	-71,913
(e) Amount payable from Health Fa- cility Construction Loan Fund.....	-135,732
(f) Federal funds	-4,629,861
(g) Consolidated Data Center	296,341
<p> Provided, that the funds appropriated in sub- item (g) may be allocated by the Director of Pub- lic Health to subitems (a), (b), and (c) above and expended therefrom for electronic data process- ing, subject to the provisions of Section 4 of this act; provided further, that the Director of Fi- nance, upon the enactment of legislation creating the Human Relations Consolidated Data Center and authorizing transfers of electronic data-pro- cessing functions thereto, may transfer the unen- cumbered balance of subitem (g) to Item 27.1.</p>	
246.1—For assistance to counties to provide family plan- ning services in accordance with Sections 10053.2 and 10053.3 of the Welfare and Institutions Code, Department of Public Health	300,000
247—For support of regional dialysis centers, estab- lished pursuant to Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1, of the Health and Safety Code, Department of Public Health.....	625,248
248—For support of Department of Public Health, pay- able from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	71,913
249—For assistance to counties, and cities and counties, to be expended for services to physically hand- icapped children, in accordance with provisions of Sections 249 through 273 of the Health and Safety Code, Department of Public Health	18,261,300
Schedule:	
(a) Diagnosis	1,041,706
(b) Treatment	16,623,473
(c) Therapy services	2,951,841
(d) Noncounty resident care.....	30,000
(e) Administrative allowance	885,999

Item	Amount
(f) Program administration	865,800
(g) Medi-Cal administrative expense	423,820
(h) Reimbursements	-454,616
(i) Federal grants	-2,342,723
(j) Estimated family repayments	-1,764,000
<p>provided, that the allocations of funds shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1972-73 within the limits of this appropriation.</p>	
250—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health	300,147
<p>including an additional amount of five dollars and sixteen cents (\$5.16) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.</p>	
251—For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health.....	800,727
252—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,797,545
252.1—For support of California Hospital Commission, payable from the California Hospital Commission Fund, in accordance with the provisions of Chapter 1242, Statutes of 1971	611,000
253—For planning for Department of Health, Human Relations Agency, in addition to and in augmentation of Item 27	100,000
254—For support of Department of Rehabilitation ... Schedule:	7,025,363
(a) I. Vocational Rehabilitation of the Disabled	6,914,061
(1) Total program	54,661,287
(2) Reimbursements ..	-2,752,658
(3) Federal funds	-44,994,568
(b) II. Development of Community Resources	111,302
(1) Total program	2,817,573
(2) Federal funds	-2,706,271

Item	Amount
(c) III. Disability Determination	0
(1) Total program	9,700,554
(2) Federal funds	-9,700,554
(d) IV. Department Administration ..	0
(1) Total program	2,744,264
(2) Amounts charge- able to programs I through III	-2,744,264

Provided, that upon approval of the Director of Finance the above programs may be augmented from other budget items in this act where funds have been budgeted for transfer to the Department of Rehabilitation for the programs contained in this budget item. Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.

255—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1972-73 fiscal year 8,922,264

Schedule:

(a) Personal services	11,756,764
(b) Operating expenses and equip- ment	4,886,618
(c) Reimbursements	-1,486,720
(d) Federal grants	-7,493,653
(e) Consolidated data center	1,259,255

Provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1972-73 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. Provided further, that in the event that the Department of Social Welfare does not enter into a contract with the Department of Education pursuant to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code, on or before August 1, 1972, four million dollars (\$4,000,000) of the amount appropriated by this item shall be transferred to Item 273 for the provision of Services. Provided further, that the funds appropriated in subitem (e) may be allocated by the Department of Social Welfare to subitems (a) and (b) above and expended therefrom for electronic data processing, subject to the provisions of Sec-

Item	Amount
tion 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Human Relations Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (e) to Item 27.1.	
255.2—For support of Department of Social Welfare, for contracting with the Attorney General’s office for legal services	67,022
255.3—For support of Department of Social Welfare, for contracting with the State Controller’s office for field audit functions	244,850
255.4—For contracting for consulting services for an initial feasibility study and conceptual systems design for improvement to existing automated welfare information system only, Department of Social Welfare.....	100,000
Schedule:	
(a) Operating expenses.....	181,818
(b) Federal grants	-81,818
Provided, that these funds may be expended only upon approval of the Department of Finance pursuant to Section 4 of the Budget Act of 1972.	
257—For the cost of the state’s share of homemaker or attendant care services for which federal grants-in-aid are made to the state, as specified in Section 11172 of the Welfare and Institutions Code; for costs of the state share of residential care rate allowances granted to recipients of public assistance as described in Section 13900 of the Welfare and Institutions Code, who require a nonmedical protective living arrangement; for the cost of the state’s share of special needs of public assistance recipients, as provided in Sections 12151, 12152, 12154, 12155, 12651, 13101 and 13700 of the Welfare and Institutions Code, Department of Social Welfare	83,228,700
Schedule:	
(a) Homemaker or attendant care service	21,853,700
(b) Residential care rate allowance....	26,528,600
(d) Special needs	34,846,400
257.1—For the cost of the state share of unmet shelter needs of public assistance recipients, Department of Social Welfare, to be transferred to and in augmentation of the appropriation authorized by Sections 15200 to 15204 inclusive, Welfare and	

Item	Amount
Institutions Code, upon order of the Department of Finance, \$3,000,000, together with any grants made available by the federal government for this purpose.	
258—For the cost of special social service programs for which federal grants-in-aid are made to the state; for rehabilitative and employment services; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoptions programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for the costs incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for the cost of local agency special training; for the cost of providing child care services for former, current, and potential recipients as provided by Sections 10811 and 10811.5 of the Welfare and Institutions Code; and for the costs of statewide social services administration improvement programs, Department of Social Welfare.....	5,667,390
Schedule:	
(a) Employment services.....	11,775,035
(b) Educational and child care services	32,859,826
(c) Child protection.....	1,927,720
(d) Adoptions	15,635,689
(e) Licensing	950,400
(f) Public welfare manpower	88,000
(g) Demonstration programs	833,512
(h) Child care—county services.....	13,333,333
(i) Federal grants.....	-71,736,125
259—For the state’s share of the nonfederal administrative costs of administering the payment of aid grants under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code as provided by Section 42.5 of Chapter 578, Statutes of 1971, Department of Social Welfare	49,398,600
Provided, that the department may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination when said county allows its con-	

Item	Amount
tract to terminate or in the absence of a contract as provided in Section 11050 of the Welfare and Institutions Code. Upon recommendation of the Director of Social Welfare, the Director of Finance may authorize the transfer of funds to Item 255 for this purpose. Provided further, that no funds appropriated by this item shall be used to pay for additional county salary costs for persons employed as social workers who are performing eligibility technician functions.	

EDUCATION

EDUCATION

260—For payment of the state’s share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education.....	24,000
261—For support of Department of Education, Superintendent of Public Instruction and State Board of Education	6,172,638
Schedule:	
(a) Personal services	15,156,501
(b) Operating expenses and equipment	8,711,545
(c) Reimbursements	-3,750,385
(d) Amount payable from State School Building Aid Fund (Item 262)	-277,900
(e) Federal grants	-14,837,893
(f) New careers in education	125,000
(g) Consolidated data center	1,045,770

Provided, that the appropriation herein shall be reduced by the amount of any federal funds that may become available for the teacher evaluation project and any such reduction shall not exceed one hundred thousand dollars (\$100,000); provided further, that the appropriation herein shall be reduced by the amount of any federal funds that may become available for the venereal disease education program and any such reduction shall not exceed three hundred thousand dollars (\$300,000).

Provided further, that the funds appropriated in subitem (g) may be allocated by the Department of Education to subitem (b) above and expended therefrom for electronic data processing,

Item	Amount
subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legislation creating the Business and Services Consolidated Data Center and authorizing transfers of electronic data-processing functions thereto, may transfer the unencumbered balance of subitem (g) to Item 26.1.	
262—For support of Department of Education, payable from the State School Building Aid Fund	277,900
263—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education	173,500
264—For support of special schools, Department of Education	9,963,325
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Schedule:	
(a) California School for the Blind	1,278,783
(b) Diagnostic School for Neurologically Handicapped Children, Northern California	762,051
(c) Diagnostic School for Neurologically Handicapped Children, Southern California.....	782,425
(d) California School for the Deaf, Berkeley.....	2,675,796
(e) California School for the Deaf, Riverside	3,764,270
(f) For multihandicapped deaf school (north)	700,000
provided, that transfers between items in the above schedule cannot be made without the approval of the Department of Finance; provided further, that \$450,000 of the amount appropriated in subitem (e) shall be used only to expand the multihandicapped unit at the California School for the Deaf, Riverside, to accommodate in temporary quarters an additional enrollment of 50 severely multihandicapped deaf students for the 1972–1973 fiscal year; provided further, that funds appropriated in subitem (f) shall be used for the purpose of establishing a multihandicapped deaf school at Mendocino State Hospital.	
265—For support of State Educational Agency for Surplus Property, payable from the Surplus Educa-	

Item	Amount
tion Property Revolving Fund.....	6,235,000
Schedule:	
(a) Personal services	2,019,300
(b) Operating expenses and equip- ment	4,245,200
(c) Reimbursements	-29,500
266—For support of Division of Libraries, Department of Education and Board of Library Examiners	1,952,687
Schedule:	
(a) Personal services	1,964,976
(b) Operating expenses and equip- ment	6,663,215
(c) Reimbursements	-455,818
(d) Federal grants	-6,219,686
267.1—For transfer by the State Controller to the State School Fund, in amounts necessary to fund Chap- ter 1619 and Chapter 1668, Statutes of 1971.....	1,806,000
268—For transfer by the State Controller from the Gen- eral Fund to the State School Fund for cost in- creases due to inflation	166,000,000
this amount to be expended pursuant to Section 17668 of the Education Code and in accordance with the following specifications:	
(1) Compute the 1972-73 foundation program support apportionments without regard to the appropriation in this item.	
(2) Compute the 1972-73 foundation program support apportionments which would be made after increasing all foundation pro- gram factors by twenty dollars (\$20) per unit of average daily attendance (making appropriate increases in the foundation programs prescribed for small schools and school districts to maintain the relation- ships prescribed by Article 2 (commencing with Section 17651) of Chapter 3 of Divi- sion 14 of the Education Code), and allow the amounts computed to each school dis- trict.	
(3) Determine the difference in the amounts computed under (1) and (2) above, and subtract such difference from the amount appropriated in this item. This remainder shall be apportioned as additional equaliza- tion aid for cost increases due to inflation as specified in (4) to (6) below.	
(4) Determine the number of average daily at- tendance in all districts for which equaliza-	

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<p>tion aid was computed in (2) above.</p> <p>(5) Divide the number of average daily attendance in all districts for which equalization aid was computed into the remainder computed in (3) above.</p> <p>(6) Multiply the amount per average daily attendance computed in (5) above by the average daily attendance in each district for which equalization aid was computed in (2) above and apportion this amount to the district.</p> <p>(7) The amount apportioned under (6) above shall be shown separately and shall be labeled as "additional equalization aid for cost increases due to inflation."</p>	32,000,000
<p>268.1—For transfer by the State Controller from the General Fund to the State School Fund for increases due to inflation this amount to be expended pursuant to Section 17668 of the Education Code and in accordance with the following specifications:</p> <p>(a) The Superintendent of Public Instruction shall compute the 1972-73 apportionment for supplemental support to elementary school districts and high school districts (Article 7.1 (commencing with Section 17920) of Chapter 3 of Division 14 of the Education Code) without regard to the appropriation in this item.</p> <p>(b) He shall compute another apportionment for supplemental support to elementary and high school districts using the factors in Article 7.1 (commencing with Section 17920) of Chapter 3 of Division 14 of the Education Code except as follows:</p> <p>(1) For each elementary school district the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of one dollar (\$1), exclusive of rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101 of the Education Code, and not to exceed two dollars and twelve cents (\$2.12).</p> <p>(2) For each high school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of eighty cents (\$0.80), exclusive of rates levied pur-</p>	

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suant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101 of the Education Code, and not to exceed sixty-five cents (\$0.65).

(3) For elementary school districts: If the applicable tax rate of the district pursuant to Section 17921 of the Education Code equals or exceeds sixty cents (\$0.60), he shall determine, for each unit of average daily attendance eligible for supplemental support, an amount equal to one dollar and twenty-five cents (\$1.25) for each cent of such applicable rate. For such purposes, the applicable rate determined pursuant to Section 17921 shall be deemed to be no less than two dollars and twelve cents (\$2.12); provided that, in no case shall the amount determined pursuant to this section be in excess of two hundred sixty-five dollars (\$265) per pupil in average daily attendance.

(4) For high school districts: If the applicable tax rate of the district pursuant to Section 17922 of the Education Code equals or exceeds twenty cents (\$0.20), he shall determine, for each unit of average daily attendance eligible for supplemental support, an amount equal to two dollars and forty cents (\$2.40) for each cent of such applicable rate. For such purposes, the applicable rate determined pursuant to Section 17922 shall be deemed to be no less than sixty-five cents (\$0.65); provided that, in no case shall the amount determined pursuant to this section be in excess of one hundred fifty-six dollars (\$156) per pupil in average daily attendance.

(c) He shall determine for each district the difference between the apportionments computed in subdivisions (a) and (b).

(d) He shall determine the total sum of the amounts computed for each district in subdivision (c). If such total sum is more or less than the amount appropriated by this item, the amount computed for each district shall be reduced or increased proportionately.

(e) He shall apportion the amounts computed in subdivision (c) to each district, as modified by the proportionate reduction or increase computed pursuant to subdivision (d). The amounts shall be shown separately and shall be labeled as "Additional Supplemental Support."

269—For public school support, Department of Educa-

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65,000,000

tion, to be expended as hereinafter provided
 The funds appropriated by this item shall be apportioned and disbursed by the Superintendent of Public Instruction to eligible school districts to fund the operation of projects similar to those funded under Title I of the Elementary and Secondary Education Act of 1965, in order that comprehensive services of the type afforded under that federal statute will be available to additional pupils in need thereof.

Of the amount appropriated by this item an amount not to exceed one-fourth of one percent (0.0025%) thereof shall be allocated to the Department of Education for administrative purposes, and apportionments to school districts shall be made from the remainder thereof.

Entitlements shall be computed, and allocations and apportionments shall be made by the Superintendent of Public Instruction on the basis of projects for which applications shall be submitted by school districts, which projects shall have been approved by the Superintendent of Public Instruction on the basis of the adequacy of purposes and goals and compliance with other requirements which may be prescribed by the Superintendent of Public Instruction.

Upon approval of a project the amount of the entitlement of the district will be determined by the Superintendent of Public Instruction and certified to the State Controller for disbursement to the district.

The entitlement of each district shall be determined by the Superintendent of Public Instruction by application of the following factors and computations:

1. (a) An index of "potential impact of bilingual-bicultural pupils" determined by dividing the percent of pupils in the district with Spanish and Oriental surnames, as determined by the annual ethnic survey conducted by the Department of Education, by the statewide average percentage of such pupils for unified, elementary, or secondary districts, as appropriate.

(b) A ratio of the district's "index of family poverty," defined as the district's Elementary and Secondary Education Act, Title I entitlement, divided by its average daily attendance in grades 1 through 12, or any thereof maintained, divided in

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turn by the state average index of family poverty for unified, elementary, or secondary districts, as appropriate.

(c) A ratio of the district's "index of pupil transiency," as computed from the relationship between the district's average daily attendance and its total annual enrollment, divided by the state average index of pupil transiency for unified, elementary, or secondary districts, as appropriate.

II. The district's total maximum apportionment under this chapter shall be determined by:

(a) Computing the product of (1) one-third the sum of the three factors specified in subdivision I (except that if the resulting figure is higher than 2, the resulting figure shall be deemed to be 2) and (2) the number of pupils receiving aid for dependent children support.

(b) Taking the sum of all of the computations made for all eligible school districts under subsection (a) of this subdivision and dividing the same into the amount appropriated by this item which is available for apportionment and allocation.

(c) Multiplying the amount computed pursuant to subsection (b) of this subdivision by the amount computed for each district under subsection (a) of this subdivision.

III. If the entitlement computed for any district under subdivision II is less than \$1,000, no apportionment shall be made to the district.

IV. Funds appropriated by this item and not required for purposes of the entitlements computed under subdivisions I, II, and III, shall be allocated by the Superintendent of Public Instruction to districts for which such entitlements and apportionments were made as supplementary additional allowances to insure that compensatory education programs are afforded to as many eligible pupils as possible and to stimulate the development, implementation, and evaluation of innovative programs.

270—	For support of instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code	604,000
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271—	For support of Department of Education provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6454, 6455.1 through 6474,	11,000,000
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6481 through 6486, 6490 through 6498, and 13355.1 through 13355.15 of the Education Code; provided further, that \$60,000 of the appropriation made by this item shall be expended solely for support of the Research and Teacher Education Program at the University of California, Santa Cruz, that \$100,000 of the appropriation made by this item shall be expended solely for support of the Research and Teacher Education Program at the University of California, Los Angeles, and that \$108,000 of the appropriation made by this item shall be expended solely for support of the Research and Teacher Education Program of the Pasadena Unified School District.	
272—For support of special elementary school reading instruction programs and for the purposes of Chapter 1600, Statutes of 1971, Department of Education provided, that none of the funds appropriated in this item shall be available for augmentation of Item 280.	19,278,000
272.1—For support of “The Abstract Conceptually-Oriented Mathematics Program Act,” Department of Education, provided that this appropriation is contingent upon enactment of AB 1644 during the 1972 session of the Legislature.....	1,000,000
273—For support of children’s centers, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 of the Education Code, to school districts and other eligible agencies maintaining children’s centers pursuant to Sections 16601 through 16645.25 of the Education Code Schedule: (a) Children’s centers (b) Development centers for hand-icapped minors..... (c) Preschool education (d) Reimbursements	21,892,700 28,522,988 4,725,000 21,313,812 -32,669,100
provided, that the Department of Finance may, by executive order, transfer funds scheduled in subdivisions (a) and (c), above, for and in augmentation of the amount scheduled in subdivision (b) of Item 258 of this act, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248; and further provided, that all state and local funds for the children’s centers and preschool pro-	

Item	Amount
grams and all federal funds for child care services generated by state and local in-kind matching funds shall be expended in meeting Public Law 90-248 requirements and in expanding needed services in children's centers and preschool programs.	
273.1—For the cost of child care services and child care training programs pursuant to the provisions of Sections 10811 and 10811.5, Welfare and Institutions Code, Department of Education.....	3,000,000
provided, that the Department of Finance may, by executive order, transfer funds from this item to, and in augmentation of, the amount scheduled in subdivision (h) of Item 258, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248	
274—For grants to teachers of physically handicapped minors, Department of Education, to be expended in accordance with the provisions of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code.....	150,000
275—For publishing, purchasing and shipping free textbooks, Department of Education	13,009,422
Schedule:	
(a) Personal services	191,600
(b) Operating expenses and equipment	12,967,822
(c) Reimbursements	-150,000
provided, that no money appropriated by this item shall be expended for the publishing, purchasing, and shipping of any textbook which is not included in the budget request submitted to the Governor for the 1972-73 fiscal year for the textbook phase of Department of Education operations, without prior approval of the Department of Finance; provided further, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.	
Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Edu-	

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cation during the 1971-72 or 1972-73 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that the book submitted on a finished-book basis is clearly superior in quality and utility to others submitted on a leased-plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks.

Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1971-72 or 1972-73 fiscal years in which the unit price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the state on a leased-plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished-book basis.

For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased-plate basis and textbooks includes teachers' manuals or editions.

However, this appropriation shall be available, without regard to the foregoing conditions, to finance contracts for textbooks adopted as supplementary textbooks by the State Board of Education during the 1971-72 or 1972-73 fiscal

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year for which offers were received on both a leased-plate and finished-book basis if the State Board of Education accepts the lesser of the two offers.

The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based. All changes shall be contained in a report by the Department of Education to the Joint Legislative Budget Committee prior to August 1, 1973.

Provided further, that no funds shall be available to finance contracts for basic textbooks, supplementary textbooks, or separate teachers' manuals adopted by the State Board of Education during the 1972-73 fiscal year in which the royalty for any such textbook exceeds by more than 10 percent an amount equal to the net price of that book multiplied by the average of the ratios of royalty to net price of all competitive books of its respective type, basic, supplementary, or separate teachers' manuals. Provided further, that the State Board of Education shall complete an adoption no later than November 1 of the fiscal year prior to that for which the board requests funds from the Legislature for that adoption; provided further, that the Department of Education will report to the Legislature by January 1, 1973, the number of textbooks which are made available for the use of nonpublic elementary school students under the provisions of Section 9760 of the Education Code. Provided further, that of the amount appropriated by this item, (a) \$31,900 is appropriated only for Spanish language mathematics textbooks and (b) \$425,000 is appropriated only for foreign language basic textbooks for grades 7 and 8; for the purpose of these foreign language adoptions Section 9312 of the Education Code shall not apply to orders over 2,000 copies of any given textbook together with teacher manuals and/or teacher editions.

276—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in

Item	Amount
Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code.....	1,346,000
277—For vocational education programs in public school districts, conducted under the provisions of Section 6254 of the Education Code, Department of Education	550,000
Schedule:	
(a) Payments to public school districts	52,289,236
(b) Federal grants	-51,739,236
277.1—For vocational education, Summer Work Program, Department of Education.....	100,000
278—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System	135,000,000
279—For support of Commission for Teacher Preparation and Licensing, payable from the Teacher Credentials Fund.....	2,105,806
Schedule:	
(a) Personal services	1,315,456
(b) Operating expenses and equipment	790,350
280—For support of Project SHARE pilot tutoring programs, Department of Education, to be expended in accordance with Chapter 1199 of the Statutes of 1970	550,000

HIGHER EDUCATION

281—For support of Coordinating Council for Higher Education	475,466
Schedule:	
(a) Personal services	513,055
(b) Operating expenses and equipment	460,808
(c) Federal grants	-498,397
282—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, Department of Finance.....	15,000
283—For support of University of California, exempt from Section 31 of this act	357,636,442
283.1—In augmentation of Item 283, University of California, exempt from Section 31 of this act	5,958,000
provided, the funds appropriated by this item shall be available for expenditure only if the Regents of the University of California abolish educational fees at the university, and do not create or impose any new fee in lieu of an educational fee, or raise existing fees, except for student services	

Item	Amount
and student financial assistance in amounts made necessary by an increase in the cost of living.	
283.2—For support of a Department of Demography, University of California, Berkeley campus	75,000
283.3—For support of the Institute of Traffic and Transportation Engineering, University of California .. Schedule:	551,362
(a) Berkeley	460,871
(b) Los Angeles	90,491
284—For deferred maintenance projects, University of California, exempt from Section 31 of this act provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority list to be submitted by the university to the Joint Legislative Budget Committee; provided further, that no expenditures shall be made from this appropriation unless an equal contribution from the university is made from funds not appropriated in this act.	500,000
285—For Psychiatric Instruction Program, University of California, exempt from Section 31 of this act provided, that the University of California shall submit to the Joint Legislative Budget Committee on or before September 15, 1973, and annually during the life of the program, a report as to progress of this program and of total program expenditures.	150,000
286—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act	308,100
287—For research in dermatology, University of California, exempt from Section 31 of this act	92,000
288—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund	100,000
Schedule:	
(a) Organized research.....	400,000
(b) Reimbursement	-100,000
(c) Transfer from Item 288.1.....	-200,000
288.1—For research for mosquito control, University of California, exempt from Section 31 of this act, for transfer to and in augmentation of Item 288.....	200,000
290—For support of Hastings College of Law	1,586,826
Schedule:	
(a) Personal services	2,053,580
(b) Operating expenses and equipment	770,371
(c) Reimbursement	-1,180,295

Item	Amount
(d) Federal grants	-56,830
290.1—For additional support associated with the development of a second campus in San Diego, Hastings College of Law	278,100
Schedule:	
(a) Personal services	35,700
(b) Operating expense and equipment	242,400
290.2—In augmentation of Item 290, University of California	378,000
provided, the funds appropriated by this item shall be available for expenditure only if the Regents of the University of California abolish educational fees at the university and the Board of Directors of Hastings College of Law abolish educational fees at the college and do not create or impose any new fee in lieu of an educational fee, or raise existing fees, except for student services and student financial assistance in amounts made necessary by an increase in the cost of living.	
291—For support of Trustees of the California State Colleges and the California State Colleges.....	343,442,373
Schedule:	
(a) Personal services	350,659,350
(b) Operating expenses and equipment	80,352,604
(c) Reimbursements	-87,569,581
provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance. Provided further, that funds may not be expended from this appropriation to accept new enrollments into any joint doctoral program for the 1973-1974 fiscal year; provided further, that of the amount appropriated by this item, \$313,849, is hereby appropriated for the sole purpose of funding the educational television station at San Diego State College; provided further, that no funds budgeted in Program V; Subprogram C of the Governor's Budget for counseling and career guidance services shall be used for psychological or psychiatric treatment services.	
And further provided, that no instructional faculty authorized in 1972-73 will be used for general administration, department chairmanships or noninstructional research.	
291.1—For support of the Center for Advanced Medical	

Item	Amount
Technology at San Francisco State College, Trustees of the California State Colleges, in augmentation of Item 291	27,000
292—For support of Trustees of the California State Colleges and the California State Colleges.....	5,909,602
Schedule:	
(a) For Educational Opportunity Program student grants	3,331,680
(b) For augmentation of San Jose Master of Social Work program....	93,202
(c) For the Innovation and Improvement Fund	2,484,720
Subschedule:	
(1) Credit by examination and measurement of achievement	30,000
(2) New method of instruction (student self-reliance)	250,000
(3) Innovation equipment	250,000
(4) College and systemwide projects..	700,000
(5) Improvement in instructional administration and faculty skills.....	900,000
(6) Library development (automation)	250,000
(7) Systemwide administration and evaluation	104,720
provided, that funds available under this item shall be allocated only in the sequence of priorities set forth in the above schedule.	
293—For support of Trustees of the California State Colleges and the California State Colleges.....	167,779
Schedule:	
(a) Personal services	23,335
(b) Operating expenses and equipment	144,444
provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance; and provided further, that the funds	

Item	Amount
appropriated in this item shall be available for the statewide Academic Senate of the California State Colleges.	
294—For support of California Maritime Academy	891,000
Schedule:	
(a) Personal services	942,909
(b) Operating expenses and equip- ment	394,491
(c) Reimbursements	-246,000
(d) Federal grants	-200,400
295—For support of Board of Governors of the Cali- fornia Community Colleges	998,807
Schedule:	
(a) Personal services	1,527,388
(b) Operating expenses and equip- ment	512,921
(c) Reimbursements	-1,041,502
296—For support of community college extended op- portunity programs, Board of Governors of the California Community Colleges, conducted under the provisions of Sections 25524 through 25528.7 of the Education Code	6,600,000
provided, that the board of governors shall allo- cate funds on a priority basis and only to local programs which demonstrate their effectiveness and which have the most pressing need for finan- cial aid for students.	
297—For support of State Scholarship and Loan Com- mission	968,351
Schedule:	
(a) Personal services	654,485
(b) Operating expenses and equip- ment	330,214
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 299)	-33,178
(d) Consolidated data center	16,830
Provided, that the funds appropriated in subitem (d) may be allocated by the commission to subitem (b) above and expended therefrom for elec- tronic data processing, subject to the provisions of Section 4 of this act; provided further, that the Director of Finance, upon the enactment of legis- lation creating the Revenue Consolidated Data Center and authorizing transfers of electronic data processing functions thereto, may transfer the unencumbered balance of subitem (d) to Item 24.1.	

Item	Amount
297.1—For grants under the Program of Supervised Clinical Special Internship in General Practice Medicine authorized by Chapter 85, Statutes of 1972, State Scholarship and Loan Commission provided, that no grant shall be made to a program for conducting a special internship in any area except general practice or family practice medicine.	500,000
298—For scholarship awards under provisions of Sections 31201 through 31218 of the Education Code, for grant awards under provisions of Sections 31261 through 31267 of the Education Code, for graduate fellowship awards under provisions of Sections 31240 through 31251 of the Education Code, and for medical contracts under provisions of Sections 31285.1 through 31285.4 of the Education Code, State Scholarship and Loan Commission	30,422,705
Schedule:	
(a) Competitive Scholarship Program	24,401,816
(b) College Opportunity Grant Program	4,402,650
(c) Fellowships for Graduate Study ..	958,239
(d) Contracts for Study of Medicine..	660,000
299—For support of State Scholarship and Loan Commission, payable from the State Guaranteed Loan Reserve Fund	33,178

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1972-73, 1973-74 and 1974-75 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

STATE BUILDING PROGRAM

GENERAL GOVERNMENT

UNALLOCATED

300—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies	50,000
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Item	Amount
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
300.1—For modifications and upgrading of the underground primary electrical distribution system at the Veterans Home, Yountville, Department of Veterans Affairs	170,390
300.3—For preliminary plans, working drawings, and initial site development for a Governor's Mansion, Department of General Services, from the Bagley Conservation Fund	150,000
300.4—For working drawings, State Office Building, San Jose, Department of General Services.....	300,000
300.5—For installation of air conditioning, Library-Courts Building, Sacramento, Department of General Services	870,000
300.6—For land acquisition, Sandy Point Fire Station, San Mateo County, Division of Forestry, Department of Conservation.....	10,000

BUSINESS AND TRANSPORTATION

301—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	2,635,620
Schedule:	
(a) Radio communications equipment and construction—statewide.....	786,170
(b) Land acquisition and working drawings for office building—El Cajon.....	205,000
(c) Land acquisition and working drawings—Fairfield.....	119,500
(d) Working drawings and construct office building—San Diego	398,700
(e) Land acquisition for office building—San Juan Capistrano	82,000
(f) Working drawings and construct office building—Torrance	370,000
(g) Land acquisition and working drawings for office building—Ventura	229,000
(h) Land acquisition and working drawings for office building—West Valley	427,000

Item	Amount
(i) Construction program planning	18,250
302—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971	3,783,800
Schedule:	
(a) Land acquisition for office building and parking facilities—Costa Mesa	375,000
(c) Land acquisition for office building and parking facilities—Merced	325,000
(d) Working drawings and construct (partial) alterations for EDP site —Sacramento	254,300
(e) Land acquisition for office building and parking facilities—Santa Clara	448,500
(f) Working drawings and construct office building and parking facilities—Bell	621,200
(g) Working drawings for office building and parking facilities—Modesto	36,500
(h) Working drawings and construct office building and parking facilities—Redwood City	495,400
(i) Working drawings and construct office building and parking facilities—Santa Cruz	482,900
(j) Working drawings and construct office building and parking facilities—Santa Rosa	555,000
(k) Preliminary planning	20,000
(l) Land acquisition—San Mateo	170,000

HUMAN RELATIONS

303—For capital outlay, Department of Corrections....	495,000
Schedule:	
Correctional Institution—Tehachapi:	
(a) Remodel Sewage Plant	160,000
State Prison at Folsom:	
(b) Improve sewage plant in cooperation with City of Folsom	185,000

Item	Amount
(c) Preliminary planning, departmentwide.....	150,000
Provided, that the Department of Corrections shall submit to the Chairman of the Joint Legislative Budget Committee and the chairmen of each of the committees considering the budget, a monthly report detailing the programs, construction, design, and cost of new or modified facilities planned as a replacement for existing correctional institutions.	
304—For capital outlay, Department of the Youth Authority.....	150,000
Schedule:	
Preston School of Industry:	
(a) Steam distribution system improvements, Phase III	150,000
305—For capital outlay, Department of Mental Hygiene	1,492,200
Schedule:	
(a) Improvements to meet hospital accreditation standards, statewide	1,189,000
(b) Structural surveys for earthquake resistance, statewide	100,000
(c) Minor construction	203,200
305.5—For capital outlay, Department of Mental Hygiene, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session.....	1,000,000
Schedule:	
(a) Improvements for correction of hospital, fire, and safety hazards, statewide	1,000,000

HIGHER EDUCATION

306—For capital outlay, University of California, minor projects, payable from the Capital Outlay Fund for Public Higher Education	3,000,000
307—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California	1,500,000

Item	Amount
Schedule:	
Langley Porter Neuropsychiatric Institute:	
(a) Alterations	1,500,000
308—For capital outlay, the Regents of the University of California, subject to the approval of the State Public Works Board, and excepting such funding assistance as may be secured from other sources, shall allocate the cash income received from the educational fee and designated by the Regents for capital outlay purposes for expenditure as set forth in the following schedule	35,570,000
Schedule:	
(1) General planning, Universitywide	300,000
(2) Preliminary plans, general campus, Universitywide	200,000
(4) Reserve for cost-rise augmentation, Universitywide	621,000
(4.1) Equip biological sciences unit 4, Davis	446,000
(4.2) Equip natural sciences unit 1 conversion, Irvine	41,000
(5) Equip clinics expansion and parking, San Francisco health sciences	137,000
(6) Equip school of nursing building, San Francisco health sciences	53,000
(7) Equip physics unit 1, Davis	331,000
(8) Equip mathematical sciences building, Berkeley	274,000
(9) Equip alterations to physical sciences unit 1, Santa Barbara	102,000
(10) Equip engineering unit 1, Irvine	405,000
(11) Equip chemistry addition, Davis	360,000
(12) Equip applied science building, Santa Cruz.....	105,000
(13) Equip social sciences unit 1, Irvine	337,000
(14) Equip social sciences unit 1, Santa Cruz	394,000
(15) Equip initial equipment for third college, San Diego.....	261,000
(16) Equip Kresge College academic unit, Santa Cruz.....	137,000
(17) Equip Wickson Hall addition, Davis	242,000
(18) Equip improvements at hospital, San Diego health sciences.....	1,327,000

Item	Amount
(19) Preliminary plans, working drawings and construct utilities and site development, Riverside	785,000
(20) Preliminary plans, working drawings and construct sea water discharge collection, San Diego	40,000
(21) Construct health sciences emergency power expansion, Los Angeles health sciences	337,000
(22) Preliminary plans, working drawings and construct central control system, Santa Barbara	470,000
(23) Preliminary plans, working drawings and construct utilities and site development, Los Angeles	385,000
(24) Preliminary plans, working drawings and construct exterior lighting, Los Angeles	100,000
(25) Preliminary plans, working drawings and construct utilities and site development, Santa Barbara	70,000
(26) Preliminary plans, working drawings and construct utilities and site development, Davis	650,000
(27) Preliminary plans, working drawings and construct utilities and site development, Santa Cruz	184,000
(27.1) Preliminary plans, working drawings and construct utilities and site development, Irvine	325,000
(27.2) Preliminary plans, working drawings and construct utilities and site development, San Diego	184,000
(28) Preliminary plans, working drawings and construct fire protection, Santa Cruz.....	325,000
(29) Preliminary plans, working drawings and construct fire alarm system additions, Berkeley.....	365,000
(30) Preliminary plans, working drawings and construct fire protection, Doe Library, Berkeley	1,000,000
(31) Preliminary plans, working drawings and construct fire protection, Davis.....	499,000
(32) Preliminary plans, working drawings and construct fire protection, San Diego	206,000

Item	Amount
(33) Preliminary plans, working drawings and construct fire protection, San Francisco	80,000
(34) Preliminary plans, working drawings and construct fire protection, life science building, Berkeley	355,000
(35) Preliminary plans, working drawings and construct improvements at Orange County Medical Center, step 2, Irvine health sciences	282,000
(35.1) Preliminary plan, working drawing, construct and equip complete areas in basic science building, San Diego health sciences	226,000
(36) Construct addition to University Hospital of San Diego County, South Wing, San Diego health sciences	136,000
(37) Construct life sciences unit 3, Los Angeles.....	5,844,000
(38) Construct marine biology instruction and research building, San Diego	5,022,000
(39) Construct learning resources center, Santa Barbara.....	2,499,000
(40) Construct college No. 7 academic unit, Santa Cruz.....	1,408,000
(41) Preliminary plans and working drawings for third college-academic unit, San Diego	218,000
(41.1) Preliminary plans, working drawings for mathematics and computer instruction building, Irvine	453,000
(42) Preliminary plans, working drawings and construct improvement at University Hospital of San Diego County, San Diego health sciences	560,000
(43) Construct clinics, medical sciences and university hospital building alterations, step 1, San Francisco health sciences	1,550,000
(44) Preliminary plans, working drawings and construct academic office building, Davis	1,350,000

Item	Amount
(45) Preliminary plans and working drawings for Moffitt Hospital addition, San Francisco health sciences	676,000
(47) Preliminary plans and working drawings for university library unit 2, Santa Cruz	220,000
(48) Preliminary plans and working drawings for Doe Library addition, Berkeley	434,000
(49) Preliminary plans and working drawings for library addition, Santa Barbara	371,000
(50) Working drawings, construct and equip applied sciences building completion, step 1, Santa Cruz	388,000
(51) Preliminary plans, working drawings and construct alterations, Berkeley.....	1,500,000
<p>Provided, that subject to the approval by the electorate of the Health Sciences Facilities Construction Program Bond Act of 1971, priority numbers 35, 35.1, 36, 42, 43, and 45 are hereby deleted from this item, provided further, that the funds in priority number 33 shall be so allocated as to result in a viable project in the event no additional funds are made available for that purpose; provided further, that none of the funds appropriated in this item shall be expended to acquire land for expansion of facilities at the University of California, San Francisco Medical Center.</p>	
308.1—In augmentation of Item 308, University of California	20,640,670
<p>provided, the funds appropriated by this item shall be available for expenditure only if the Regents of the University of California abolish educational fees at the university and do not create or impose any new fee in lieu of an educational fee or raise existing fees except for student services or student financial assistance in amounts made necessary by an increase in the cost of living.</p>	
308.5—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, Chapter 1, Statutes of 1971 (First Extraordinary Session), provided that withdrawal shall be as required to meet current obligations as certified by the University of Cali-	

Item	Amount
California	5,226,000
Schedule:	
(1) Construct humanities building, San Diego	5,226,000
308.6—For capital outlay, University of California, sub- ject to the approval of the State Public Works Board, provided that withdrawals shall be as re- quired to meet current obligations as certified by the University of California	8,500,000
Schedule:	
(a) Acquisition of Sacramento Medi- cal Center properties, inclusive of the shop building, welfare build- ing, Camellia Cottage interns' quarters, and motor pool building and repair shops, the sites there- fore, the vacant State Fairgrounds parcel, and the unattached fur- nishings, equipment, and appara- tus within the medical center complex	8,500,000
309—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Pub- lic Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the Cali- fornia State Colleges.....	34,288,000
Schedule:	
Statewide:	
Trustees of the California State Colleges:	
(a) Project planning for the 1973-74 fiscal year.....	50,000
(b) Campus master planning	205,000
(c) General studies	100,000
(d) Special land acquisition	250,000
San Diego State College:	
(e) Working drawings for arts and sciences rehabilitation	51,000
San Francisco State College:	
(f) Construct completion of music speech building	406,000
State College, Bakersfield:	
(g) Equip science building I.....	404,000

Item	Amount
(h) Equip central plant II	15,000
Chico State College:	
(i) Equip classroom and office building	400,000
State College, Dominguez Hills:	
(j) Equip natural resources building..	500,000
Humboldt State College:	
(k) Equip natural resources building	425,000
California State Polytechnic College, Kellogg-Voorhis Campus:	
(l) Equip science building	150,000
Los Angeles State College:	
(m) Equip physical science building	500,000
State College, San Bernardino:	
(n) Equip cafeteria	129,000
San Fernando Valley State College:	
(o) Equip library building	400,000
San Jose State College:	
(p) Equip science building 2, II	500,000
Stanislaus State College:	
(q) Equip science building	268,000
(r) Equip classroom building conversion	12,000
Chico State College:	
(s) Equip applied arts building	300,000
(t) Equip life science building	300,000
State College, Dominguez Hills:	
(u) Equip library classroom administration building	500,000
(v) Equip social science building.....	255,000
State College, Fullerton:	
(w) Equip engineering building	200,000
State College, Hayward:	
(x) Equip library building	500,000

Item	Amount
(y) Equip speech drama building	110,000
California State Polytechnic Col- lege, Kellogg-Voorhis Campus:	
(z) Equip convert library.....	150,000
Los Angeles State College:	
(aa) Equip library addition	100,000
State College, Long Beach	
(bb) Equip drama building	331,000
(cc) Equip library building II.....	339,000
(dd) Equip engineering building II ..	375,000
(ee) Equip psychology building	100,000
State College, San Bernardino:	
(ff) Equip biological science building	170,000
(gg) Equip physical science building	150,000
San Francisco State College:	
(hh) Equip life science building	500,000
(ii) Equip physical science building ..	500,000
(jj) Equip library addition	225,000
San Jose State College:	
(kk) Equip business classroom build- ing	160,000
Sacramento State College:	
(ll) Working drawings for utilities 1972	45,000
Fresno State College:	
(mm) Working drawings for central plant addition	150,000
(nn) Working drawings for utilities 1973	40,000
Sacramento State College:	
(oo) Working drawings and construc- tion, physical education building	70,000
State College, Hayward:	
(pp) Working drawings and construc- tion for conversion of science and fine arts	250,000
California State Polytechnic Col-	

Item	Amount
lege, San Luis Obispo Campus: (qq) Construct conversion of science I.....	171,000
Chico State College: (rr) Working drawing and construc- tion for conversion of life sciences	232,000
State College, Bakersfield: (ss) Working drawings and construc- tion for conversion of the initial buildings.....	176,000
State College, San Bernardino: (tt) Working drawings and construc- tion for conversion of initial build- ings	170,000
State College, Dominguez Hills: (uu) Working drawings and construc- tion for conversion of initial build- ings	344,000
Fresno State College: (vv) Working drawings and construc- tion for conversion of laboratory school	175,000
California State Polytechnic Col- lege, San Luis Obispo Campus: (ww) Working drawings for conver- sion of science II	18,000
Humboldt State College: (xx) Working drawings for conversion of laboratory school.....	42,000
California State Polytechnic Col- lege, Kellogg-Voorhis Campus: (yy) Working drawing and construc- tion of utilities 1972 (electric)	800,000
State College, Long Beach: (zz) Working drawing and construc- tion for utilities 1972 (sewage and water)	76,000
Sacramento State College:	

Item	Amount
(aaa) Construct site development 1972 (roads)	512,000
California State Polytechnic Col- lege, San Luis Obispo Campus:	
(bbb) Construct access road	804,000
Fresno State College:	
(ccc) Working drawings and con- struction of utilities 1972 (drain- age)	400,000
San Diego State College:	
(ddd) Working drawing and construc- tion of utilities 1972 (electrical) ..	325,000
Sacramento State College:	
(eee) Construct library	8,100,000
State College, Bakersfield:	
(fff) Working drawings for initial li- brary addition	70,000
Sonoma State College:	
(ggg) Working drawings for library administration building	307,000
Humboldt State College:	
(hhh) Working drawings for library addition	215,000
State College, Long Beach:	
(iii) Working drawings for administra- tion III	267,000
Los Angeles State College:	
(ijj) Land acquisition	1,347,000
State College, Bakersfield:	
(kkk) Working drawings and con- struction for outdoor P.E. facilities I	427,000
(lll) Working drawings for initial P.E. facility	58,000
Stanislaus State College:	

Item	Amount
(mmm) Working drawings for cafeteria	86,000
State College Bakersfield:	
(nnn) Working drawings and construction for initial corporation yard.....	334,000
(ooo) Working drawings and construction for utilities 1972	292,000
Sonoma State College:	
(ppp) Working drawings and construction for corporation yard	150,000
State College, Bakersfield:	
(qqq) Construct classroom office building I.....	2,311,000
Sonoma State College:	
(rrr) Construct classroom office building 2	2,245,000
San Jose State College:	
(ttt) Construct, remodel Centennial Hall	134,000
State College, Bakersfield:	
(uuu) Working drawings for science building II	188,000
State College, San Fernando Valley:	
(vvv) Working drawings for business and economics building	282,000
State College, San Bernardino:	
(www) Working drawings for classroom building.....	160,000
California State Polytechnic College, San Luis Obispo Campus:	
(xxx) Construct architecture classroom building.....	930,000
State College, Long Beach:	
(yyy) Construct general classroom and faculty office building	1,405,000

Item	Amount
State College, Dominguez Hills: (zzz) Working drawings for a general classroom and faculty office build- ing	150,000
Notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1972-73 and 1973-74 fiscal years.	
310—For capital outlay, Trustees of the California State Colleges, minor projects to be allocated to the state colleges, payable from the Capital Outlay Fund for Public Higher Education.....	2,300,000
311—For capital outlay, Trustees of the California State Colleges, to be allocated to the state colleges; pro- vided, that grants of money from the federal gov- ernment become available under the terms of the granting agency and the provisions of Section 17, of this act, thereby releasing an equal amount of state appropriated funds which are hereby reap- propriated, payable from the Capital Outlay Fund for Public Higher Education	0
Schedule:	
State College, Hayward:	
(a) Working drawings for classroom building 2.....	94,000
Humboldt State College:	
(b) Working drawings for marine lab- oratory addition	18,000
San Diego State College:	
(c) Working drawings for humanities classroom building.....	130,000
California State Polytechnic Col- lege, San Luis Obispo Campus:	
(d) Working drawings for faculty of- fice building	90,000
California State Polytechnic Col- lege, San Luis Obispo Campus:	
(e) Construct architecture classroom building	2,539,000
(f) Federal reimbursements	-2,871,000

DISTRICT FAIR CONSTRUCTION PROGRAM

312—The sum of \$74,530 of the money appropriated by

Item	Amount
Section 19630 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1972-73 fiscal year for engineering services, Department of Agriculture.	
313—For payment to 1A District Agricultural Association, payable from the Fair and Exposition Fund	194,100

WILDLIFE CONSERVATION PROGRAM

314—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item.....	260,000
Schedule:	
(a) Land acquisition for wildlife habitat	10,000
(b) Expansion of office—Region I.....	20,000
(c) Replacement of hatchery ponds—Darrah Springs Hatchery	30,000
(d) Replacement of hatchery ponds—Moccasin Creek Hatchery.....	110,000
(e) Replacement of hatchery ponds—San Joaquin Hatchery.....	30,000
(f) Fillmore Hatchery operations building—plans	10,000
(g) Working drawings, Region II, headquarters and field station	50,000

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

315—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, payable from the Harbors and Watercraft Revolving Fund	40,000
316—For capital outlay, Department of Navigation and Ocean Development, for plans, working drawings and construction of launching and parking facilities, payable from the Harbors and Watercraft Revolving Fund	1,770,980

Item	Amount
Schedule:	
(a) Construct finger floats and mooring buoys at Angel Island State Park.....	114,000
(b) Construct berthing, parking and sanitary facilities at Brannan Island State Recreation Area.....	378,000
(c) Construct sanitary facilities, grading, paving, landscaping and utilities at Folsom Lake, Granite Bay	129,500
(d) Construct launching ramp, boarding dock, parking and sanitary facilities at Folsom Lake, Rattlesnake Bar	132,000
(e) Completion of construction project at Kings Beach.....	155,000
(f) Construct multiple-purpose launching ramp at Long Beach....	630,000
(g) Construct boat ramp, boarding docks and parking facilities at Millerton Lake Recreational Area	232,480
Provided, that, any money received from the Federal Land and Water Funds in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Harbors and Watercraft Revolving Fund.	
317—For capital outlay, Department of Parks and Recreation, Hearst San Simeon State Historical Monument, payable from funds accumulated under the provisions of Item 257, Budget Act of 1969; Item 214, Budget Act of 1970; and Item 208, Budget Act of 1971	25,000
318—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund	0
Schedule:	
(a) Annadel Farms, land acquisition..	836,400
(b) Anza-Borrego Desert State Park, land acquisition	122,400
(c) Big Basin Redwoods State Park, land acquisition	191,250
(d) Castle Rock State Park, land acquisition	26,300
(e) Carlsbad State Beach, land acquisition	357,000
(f) Humboldt Redwoods State Park, land acquisition	306,000

Item	Amount
(g) Carmel River State Beach, land acquisition	884,000
(h) Point Mugu State Recreation Area, land acquisition.....	2,149,650
(i) Bothe-Napa Valley State Park, land acquisition	350,000
(j) Reimbursements from the Federal Land and Water Conservation Fund	-5,223,000
318.1—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund	0
Schedule:	
(a) Humboldt Redwood State Park, land acquisition	490,000
(b) Reimbursements from Save-the-Redwoods League	-490,000
318.2—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund, notwithstanding the provision of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session.....	9,153,900
Schedule:	
(a) Acquisition	
(1) Inholding purchases	250,000
(2) Morro Bay State Park.....	350,000
(3) Opportunity purchases	250,000
(4) Sonoma Coast State Beach.....	350,000
(5) Mount Diablo State Park	125,000
(6) Little River State Reserve.....	75,000
(7) Rincon Point.....	65,000
(8) Refugio State Beach	1,900,000
(9) Acquisition costs ..	75,000
(10) Mendocino Headlands, MacKerricher Beach State Park.....	200,000
(11) Allensworth State Park.....	200,000
(b) Development	

Item	Amount
(1) San Diego Museum	200,000
(2) Sea Cliff State Beach	979,200
(3) Silver Strand State Beach	215,780
(4) Sonoma Coast State Beach	200,000
(5) Refugio State Beach	150,000
(6) Pismo State Beach	150,000
(7) Russian Gulch State Park	250,000
(8) Carpinteria State Beach	400,000
(9) MacKerricher State Park	133,000
(10) Clear Lake State Park.....	341,000
(11) Folsom Lake State Recreation Area.....	138,500
(12) Minor Program ..	709,232
(13) Point Mugu State Park.....	924,100
(14) Angel Island State Park	275,000
(15) Fort Ross State Historical Park	12,000

(c) Design and Development..... 236,088

318.3—For working drawings, Department of Parks and Recreation, for a railroad exhibit to be located behind the Big Four Building in Old Sacramento, from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session 280,000

Provided, that this project shall only include (1) a facility for exhibiting appropriate railroad stock received from the Railway and Locomotive Historical Society and in addition, any directly associated interpretive devices and (2) rolling stock storage space with display maintenance capability; and provided further, that preliminary plans and cost estimates shall be submitted to the Joint Legislative Budget Committee and the Public Works Board for approval before working drawings are commenced; and provided further, that the funds appropriated by this item shall be ex-

Item	Amount
<p>pended by the Office of Architecture and Construction.</p> <p>318.4—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, for a feasibility study of the relocation of railroad tracks at San Onofre, San Clemente, and Doheny State Beaches and their environs, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session</p>	100,000
<p>318.5—To the Advisory Committee on Salmon and Steelhead Trout of the Department of Fish and Game from funds allocated pursuant to the provisions of subdivision (b) of Section 316 of Chapter 1 of the Statutes of 1971, First Extraordinary Session, for services necessary to ensure integration of salmon and steelhead trout conservation activities with the plans and projects contemplated therein, provided, that a full and accurate accounting of such expenditure shall be provided by the Department of Fish and Game, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316 of Chapter 1 of the Statutes of 1971, First Extraordinary Session</p>	10,000

CALIFORNIA WATER FACILITIES PROGRAM

319—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, to the Department of

Item	Amount
Water Resources	1,607,000
Schedule:	
(a) Sacramento River and Tributaries Flood Control Project	82,000
(b) San Joaquin River and Tributaries Flood Control Project	115,000
(c) Fresno River Flood Control Project	10,000
(d) Chowchilla River Flood Control Project	10,000
(e) Sacramento River Bank Protec- tion Project	1,390,000
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1972-73 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.	

**COMMUNITY COLLEGE CONSTRUCTION BOND
ACT PROGRAM**

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1972-73, 1973-74 and 1974-75 fiscal years for expenditure only for the programs which have been approved pursuant to the provisions of Chapter 1550, Statutes of 1967 (Community College Construction Act of 1967), and contemplated by the Community College Construction Program Bond Act of 1972, and only if the bond act is approved by the people. All such appropriations shall be paid out of the State Construction Program Fund.

320—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, as set forth in the schedule below, payable from the State Construction Program Fund

	44,037,401
Schedule:	
Santa Clarita Community College District, College of the Canyons:	
(a) Equip humanities and library-au- diovisual building	189,185
West Valley Community College District, Mission Campus:	

Item	Amount
(b) Working drawings for site development—utilities, Phase I	26,569
Santa Clarita Community College District, College of the Canyons:	
(c) Initial complement of library books	98,313
State Center Community College District, Reedley College:	
(d) Working drawings and construct air conditioning in existing buildings	171,002
Hartnell Community College District, Hartnell College:	
(e) Equip physical education complex facilities	26,757
Los Rios Community College District, American River College:	
(f) Equip men's physical education addition	21,936
Peralta Community College District, Merritt College:	
(g) Equip gymnasium and outdoor physical education facility	18,014
North Orange County Community College District, Cypress College:	
(h) Equip men's physical education building	14,597
San Luis Obispo County Community College District, Cuesta College:	
(i) Equip physical education building, Phase I B	15,768
Santa Barbara Community College District, Santa Barbara City College:	
(j) Equip physical education complex	2,728
State Center Community College	

Item	Amount
District, Reedley College:	
(k) Equip physical education comba- tive and gymnastics addition	10,339
West Valley Joint Community Col- lege District, Saratoga College:	
(l) Equip physical education build- ing	97,667
Butte Community College Dis- trict, Butte College:	
(m) Construct gymnasium.....	1,113,827
(n) Construct physical education building	606,931
(o) Construct outdoor physical educa- tion facilities	311,031
Fremont-Newark Community College District, Ohlone College:	
(p) Construct indoor physical educa- tion facilities	1,061,705
Kern Community College Dis- trict, Bakersfield College:	
(q) Working drawings and construct physical education addition	157,261
Porterville College:	
(r) Working drawings and construct physical education addition	230,578
Mt. San Antonio Community Col- lege District, Mt. San Antonio Col- lege:	
(s) Working drawings and construct and equip physical education facilities addition	164,134
Napa Community College Dis- trict, Napa College:	
(t) Working drawings for gymnasium complex	78,016
Peralta Community College Dis- trict, College of Alameda:	
(u) Working drawings for gymnasium facilities	51,911

Item	Amount
San Bernardino Community College District, Crafton Hills College:	
(v) Construct indoor physical education facilities	387,692
(w) Construct outdoor physical education facilities	47,412
Santa Monica Community College District, Santa Monica City College:	
(x) Working drawings, construct, and equip alterations to gymnasium ..	125,677
Hartnell Community College District, Hartnell College:	
(y) Equip drama-music building	92,304
Solano County Community College District, Solano College:	
(z) Working drawings and construct music and drama building	764,522
State Center Community College District, Fresno City College:	
(aa) Working drawings and construct art classroom and laboratory building, Phase I, unit B	1,109,588
Peralta Community College District, Laney College:	
(bb) Construct drama facilities.....	915,692
Santa Barbara Community College District, Santa Barbara City College:	
(cc) Working drawings for drama and music facilities	57,679
Fremont-Newark Community College District, Ohlone College:	
(dd) Construct multidiscipline classroom building.....	595,372
Merced Community College District, Merced College:	

Item	Amount
(ee) Working drawings, construct and equip administration building addition.....	179,322
Coast Community College District, Orange Coast College:	
(ff) Working drawings for administration building	19,290
State Center Community College District, Reedley College:	
(gg) Working drawings and construct maintenance building.....	45,168
West Valley Joint Community College District, Saratoga College:	
(hh) Construct warehouse-maintenance building	234,390
Kern Community College District, Cerro Coso College:	
(ii) Working drawings and construct Phase I utilities (offsite)	194,581
San Jose Community College District, Evergreen Valley College:	
(jj) Construct utilities and site development, Phase I A	185,132
(kk) Working drawings for central utilities building.....	18,089
Marin Community College District, College of Marin:	
(ll) Working drawings and construct site development (1972)	121,253
Indian Valley Colleges:	
(mm) Construct site development (1969)	501,493
(nn) Working drawings for power plant and corporation yard.....	4,453
Ventura County Community College District, Oxnard College:	
(oo) Working drawings and construct site development, Phase I.....	484,002
(pp) Working drawings and construct offsite development	33,017

Item	Amount
(qq) Working drawings for site development, Phase II	26,004
Los Angeles Community College District, West Los Angeles College:	
(rr) Working drawings for utilities and site development.....	10,554
San Luis Obispo County Community College District, Cuesta College:	
(ss) Equip science building	149,797
West Valley Joint Community College District, Saratoga College:	
(tt) Equip business and administration building	102,900
Mt. San Jacinto Junior College District, Mt. San Jacinto College:	
(uu) Equip science building	12,754
Marin Community College District, College of Marin:	
(vv) Equip library building	141,527
State Center Community College District, Fresno City College:	
(ww) Equip mathematics, science and health building.....	82,926
(xx) Equip art building, Phase I, unit A	37,811
San Mateo Junior College District, Skyline College:	
(yy) Equip multidiscipline classroom and laboratory building "C"	69,953
Contra Costa Community College District, Los Medanos College:	
(zz) Equip multidiscipline classroom and laboratory building	370,872
(aaa) Equip initial complement of library books	48,090
Fremont-Newark Community	

Item	Amount
College District, Ohlone College:	
(bbb) Equip classroom, laboratory and library building	225,600
(ccc) Equip northeast multidiscipline classroom and laboratory building	100,392
(ddd) Equip southeast multidiscipline classroom and laboratory building	70,500
(eee) Equip northwest multidiscipline classroom and laboratory building	96,574
(fff) Equip southwest multidiscipline classroom and laboratory building	91,744
(ggg) Equip north lecture hall.....	8,597
(hhh) Equip south lecture hall.....	8,597
Kern Community College District, Cerro Coso College:	
(iii) Equip new campus, Phase I	127,385
Butte Community College District, Butte College:	
(jjj) Equip life science and agriculture buildings.....	83,782
(kkk) Equip physical science building	36,240
(lll) Equip engineering and technology buildings.....	50,400
(mmm) Equip library and audiovisual building	196,419
San Joaquin Delta Community College District, San Joaquin Delta College:	
(nnn) Equip arts and sciences facility	403,779
San Diego Community College District, San Diego City College:	
(ooo) Equip remodel administrative office building and laboratory building	50,982
Solano County Junior College District, Solano College:	
(ppp) Equip vocational arts building No. 2	139,344
Saddleback Community College District, Saddleback College:	

Item	Amount
(qqq) Equip science-mathematics building	221,603
Merced Community College District, Merced College:	
(rrr) Working drawings and construct elevators for vocational and science buildings	60,653
Pasadena Area Community College District, Pasadena City College:	
(sss) Working drawings and construct elevators for four-story classroom and laboratory building	91,434
Santa Clarita Community College District, College of the Canyons:	
(ttt) Construct classroom and office building	776,438
Contra Costa Community College District, Diablo Valley College:	
(uuu) Construct art building.....	655,676
Santa Clarita Community College District, College of the Canyons:	
(vvv) Construct multidiscipline laboratory building	1,604,158
Coast Community College District, Golden West College:	
(www) Construct humanities, arts and science building.....	1,359,829
West Valley Joint Community College District, Saratoga College:	
(xxx) Construct and equip police science building	116,795
North Orange County Community College District, Cypress College:	
(yyy) Construct humanities building	2,400,331
San Jose Community College District, Evergreen Valley College:	

Item	Amount
(zzz) Construct administrative and multidiscipline classroom laboratory building	1,513,532
Marin Community College District, College of Marin:	
(aaaa) Construct and equip art building remodel.....	222,197
Rancho Santiago Community College District, Santa Ana College:	
(bbbb) Construct social science-language arts building, Phase I and II	1,179,054
San Jose Community College District, Evergreen Valley College:	
(cccc) Construct science and humanities building	916,829
North Orange County Community College District, Cypress College:	
(dddd) Construct drama building	835,568
Santa Barbara Community College District, Santa Barbara City College:	
(eeee) Construct humanities building	1,073,687
San Luis Obispo County Community College District, Cuesta College:	
(ffff) Construct library and administration building	1,132,560
Los Rios Community College District, American River College:	
(gggg) Working drawings for electronics, auto-mechanics, and welding additions	54,968
Yuba Community College District, Yuba College:	
(hhhh) Working drawings, construct and equip conversion of agriculture and welding laboratories	86,986
Long Beach Community College	

Item	Amount
District, Long Beach City College: (iii) Working drawings, construct and equip life science remodel	126,559
Los Rios Community College District, Cosumnes River College: (ijii) Working drawings for classroom building	54,600
Redwoods Joint Community College District, College of the Redwoods: (kkkk) Construct music-arts building	1,022,840
Ventura County Community College District, Ventura College: (llll) Working drawings for classroom building	14,996
Marin Community College District, Indian Valley Colleges: (mmmm) Working drawings for inner college "A"	14,920
Butte Community College District, Butte College: (nnnn) Working drawings for business, police science, and home economics building	25,745
San Francisco Community College District, City College of San Francisco: (oooo) Working drawings for social sciences classroom and laboratory building	71,762
Coast Community College District, Golden West College: (pppp) Working drawings for mathematics and science addition No. 2	31,576
Marin Community College District, Indian Valley Colleges:	

Item	Amount
(qqqq) Working drawings for multidiscipline classroom laboratory building	17,733
Ventura County Community College District, Moorpark College:	
(rrrr) Construct social science and humanities building	991,181
State Center Community College District, Fresno City College:	
(tttt) Working drawings for language arts building	18,660
(uuuu) Working drawings for art and social science building, Phase II ..	27,922
Reedley College:	
(vvvv) Working drawings, construct and equip lecture and laboratory building	301,548
Saddleback Community College District, Saddleback College:	
(wwww) Working drawings for music-arts building	84,942
State Center Community College District, Reedley College:	
(xxxx) Working drawings and construct engineering and electronics building	420,206
Coast Community College District, Orange Coast College:	
(yyyy) Working drawings for lecture hall and art building addition	27,025
North Orange County Community College District, Cypress College:	
(zzzz) Working drawings for vocational-technical building No. 2.....	89,701
Los Rios Community College District, American River College:	
(aaaa) Working drawings and construct horticulture addition.....	171,092

Item	Amount
Sacramento City College:	
(bbbb) Working drawings and construct aeronautics addition	476,350
San Joaquin Delta Community College District, San Joaquin Delta College:	
(cccc) Working drawings and construct administrative and multidiscipline classroom and laboratory building	3,186,419
San Diego Community College District, San Diego City College:	
(dddd) Working drawings for mathematics-science building	61,323
San Joaquin Delta Community College District, San Joaquin Delta College:	
(eeee) Working drawings for humanities, social science and physical education classroom and laboratory building	179,307
Los Rios Community College District, Sacramento City College:	
(ffff) Working drawings for classroom-administration building, (for earthquake replacement), Phases I and II	164,724
Los Angeles Community College District, Los Angeles Trade-Technical College:	
(gggg) Construct business science building, Phase I	517,278
Kern Community College District, Bakersfield College:	
(hhhh) Working drawings and construct business education addition	177,287
Shasta-Tehama-Trinity Joint Community College District, Shasta College:	

Item	Amount
(iiii) Working drawings, construct and equip nursing addition.....	77,686
Kern Community College District, Porterville College:	
(jjjj) Working drawings and construct trade-technical facility	154,205
Cerritos Community College District, Cerritos College:	
(kkkkk) Working drawings for health sciences paramedical building	62,320
Glendale Community College District, Glendale College:	
(lllll) Working drawings for technical education building	39,678
Santa Barbara Community College District, Santa Barbara City College:	
(mmmmm) Working drawings for vocational-technology building.....	15,915
Oceanside-Carlsbad Community College District, Mira Costa College:	
(nnnnn) Working drawings and construct machine shop	149,095
San Luis Obispo County Community College District, Cuesta College:	
(ooooo) Working drawings for business education, engineering, mathematics and technical building	34,312
Los Angeles Community College District, East Los Angeles College:	
(ppppp) Working drawings for library and audiovisual building addition.....	7,707
Sweetwater Community College District, Southwestern College:	

Item	Amount
(qqqqq) Construct and equip library and audiovisual building	920,354
Peralta Community College District, Merritt College:	
(rrrrr) Working drawings for library building	42,313
Coast Community College District, Golden West College:	
(sssss) Working drawings for library and audiovisual addition No. 3.....	39,548
Yuba Community College District, Yuba College:	
(uuuuu) Working drawings for library building	28,821
Coast Community College District, Golden West College:	
(vvvvv) Working drawings for music addition No. 1.....	16,599
San Diego Community College District, San Diego City College:	
(wwwww) Land acquisition No. 3.....	622,920
Los Angeles Community College District, Los Angeles Trade-Technical College:	
(xxxxx) Land acquisition, main campus.....	112,948
San Francisco Community College District, City College of San Francisco:	
(yyyyy) Reconstruct and equip science building, remodel	391,567
Grossmont Community College District, Grossmont College:	
(zzzzz) Working drawings, construct and equip bookstore conversion to faculty and administration offices	78,612
Contra Costa Community College District, Los Medanos College:	

Item	Amount
(aaaaaa) Construct physical education facilities	673,207
Santa Clarita Community College District, College of the Canyons:	
(bbbbbb) Working drawings and construct physical education unit	1,060,218
Fremont-Newark Community College District, Ohlone College:	
(ccccc) Construct outdoor physical education unit	202,929
North Orange County Community College District, Cypress College:	
(dddddd) Working drawings for men's gymnasium	53,591
Marin Community College District, College of Marin:	
(eeeeee) Working drawings and construct outdoor physical education facilities	91,281
Contra Costa Community College District, Los Medanos College:	
(ffffff) Working drawings, construct and equip outdoor physical education facilities	409,161
Allen Hancock Community College District, Allen Hancock College:	
(gggggg) Working drawings and construct outdoor physical education facilities	58,273
Marin Community College District, Indian Valley Colleges:	
(iiiiii) Working drawings for outdoor physical education facilities	4,748
Fremont-Newark Community College District, Ohlone College:	
(iiijj) Construct outdoor physical education facilities	152,202

Item	Amount
Merced Community College District, Merced College: (kkkkkk) Equip art-drama building ..	51,461
Santa Clarita Community College District, College of the Canyons: (llllll) Construct site development, Phase III	168,860
Fremont-Newark Community College District, Ohlone College: (mmmmmm) Construct site development, Phase II	274,443
San Jose Community College District, Evergreen Valley College: (nnnnnn) Working drawings for utilities and site development I B	5,957
Contra Costa Community College District, Los Medanos College: (oooooo) Working drawings and construct site development, Phase III.....	216,878
State Center Community College District, Reedley College: (pppppp) Working drawings, construct and equip administration building alterations	133,010
Coast Community College District, Golden West College: (qqqqqq) Working drawings, construct and equip administration addition	44,884
Lassen Community College District, Lassen College: (rrrrrr) Working drawings and construct dining facility	521,198
Santa Clarita Community College District, College of the Canyons: (ssssss) Construct humanities building	1,043,841
San Luis Obispo County Community College District, Cuesta College:	

Item	Amount
(ttttt) Working drawings for cafeteria-bookstore	34,212
Butte Community College District, Butte College:	
(uuuuu) Working drawings for administration building	25,936
(vvvvv) Working drawings for office building and dining facilities	52,926
Marin Community College District, Indian Valley Colleges:	
(wwwww) Working drawings for administration building	2,352
Kern Community College District, Porterville College:	
(xxxxx) Working drawings, construct and equip maintenance-transportation building	55,319

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1972-73 fiscal year beginning July 1, 1972, and ending June 30, 1973. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

321—For project review for purposes set forth in Section 5096.15 (d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund

84,048

321.1—On the effective date of this act, the following appropriations and amounts:

Item 341 (ff), Budget Act of 1967	\$150,000
Item 341 (xx), Budget Act of 1967	86,000
Item 418 (c), Budget Act of 1969	28,000
Item 349.1 (t), Budget Act of 1970 ..	39,200
Item 349.1 (yy), Budget Act of 1970	82,000
Item 311 (jj), Budget Act of 1971	30,100

are hereby reappropriated for the purposes specified below:

Item	Amount
A. County of Kings, Corcoran City Park, acquisition and development, \$67,200	
B. County of San Bernardino, Copper Mountain regional park, acquisition and development, \$180,100	
C. County of Solano, City of Vacaville, Lagoon Valley regional park, acquisition and development, \$82,000.	
D. County of Tulare, Elk Bayou regional park, acquisition and development, \$86,500.	

CAPITAL OUTLAY

<p>322—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code for expenditure during the 1972-73, 1973-74 and 1974-75 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund</p> <p>Schedule:</p> <p>(a) Land acquisition, Manchester Beach</p> <p>(b) Land acquisition, Topanga Canyon.....</p> <p>(c) Land acquisition, Torrey Pines State Reserve</p> <p>(e) Land acquisition, Cardiff State Beach</p> <p>(f) Anticipated federal reimbursements</p> <p>provided, that it is the intention of the Legislature in approving the acquisition at Topanga Canyon Beach in 322(b), that the restaurant now located on the property shall be retained on the land no longer than present contractual commitments require.</p>	<p>1,401,500</p> <p>288,000</p> <p>459,000</p> <p>367,200</p> <p>1,606,500</p> <p>-1,319,200</p>
<p>323—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(b) of the Public Resources Code for expenditure during the 1972-73, 1973-74 and 1974-75 fiscal years, payable from the State Beach, Park, Recreational and Historical Facilities Fund</p>	<p>252,000</p>

Item	Amount
Schedule:	
(a) For development, Pendleton Beach	150,000
(b) For development, Annadel Farms	102,000
324—For capital outlay, Department of Parks and Recreation for the purposes set forth in Section 5096.15 (a) and 5096.15 (b) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund	119,500
Schedule:	
(a) For project planning under provisions of Section 5096.15(b) of the Public Resources Code.....	119,500

REAPPROPRIATION

325—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and the limitations) provided for in said appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1973:

Land Acquisition:

- Item 362(a) Budget Act of 1965
- Item 362(b) Budget Act of 1965
- Item 362(c) Budget Act of 1965
- Item 423(a) Budget Act of 1966
- Item 423(c) Budget Act of 1966
- Item 423(f) Budget Act of 1966
- Item 423(h) Budget Act of 1966
- Item 423(i) Budget Act of 1966
- Item 423(m) Budget Act of 1966
- Item 423(q) Budget Act of 1966
- Item 423(r) Budget Act of 1966
- Item 423(t) Budget Act of 1966
- Item 343.7(b) Budget Act of 1967
- Item 343.7(c) Budget Act of 1967
- Item 377.1(a) Budget Act of 1968
- Item 422(a) Budget Act of 1969
- Item 422(b) Budget Act of 1969

Development:

- Item 424(c) Budget Act of 1966, for development of water supply system only.
- Item 378(a) Budget Act of 1968
- Item 423(a) Budget Act of 1969
- Item 423(c) Budget Act of 1969

325.1—On the effective date of this act, the unexpended

Item	Amount
ed balance of the appropriation made by Item 355, Budget Act of 1970, is hereby reappropriated for the purpose provided and shall be available for expenditure until June 30, 1973. In addition, any federal grants received as matching funds for land acquisition for Torrey Pines are hereby appropriated for that purpose.	
325.2—As of June 30, 1972, the unexpended balances of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund:	
Item 341 (ff) Budget Act of 1967	
Item 341 (xx) Budget Act of 1967	
Item 418 (c) Budget Act of 1969	
Item 349.1 (t) Budget Act of 1970	
Item 349.1 (yy) Budget Act of 1970	
Item 311 (jj) Budget Act of 1971	
Item 313 (a) Budget Act of 1971	
Item 314 (ax) Budget Act of 1971	

**RECREATION AND FISH AND WILDLIFE ENHANCEMENT
BOND ACT PROGRAM**

SEC. 2.6. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1972-73, 1973-74, and 1974-75 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

WILDLIFE CONSERVATION PROGRAM

326—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund	1,405,500
Schedule:	
(a) For construction, Black Rock Rearing Ponds, Phase II	225,000
(b) For construction, Fish Springs Hatchery	708,500
(c) For purchase, fishing access sites, State Water Facilities	337,000
(d) For development, wildlife habitat	60,000

Item	Amount
(e) For anadromous fish enhancement—Feather River	75,000

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

327—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund

10,854,432

Schedule:

- (a) For development, Antelope Reservoir
- (b) For development, Del Valle Reservoir
- (c) For development, Frenchman Reservoir
- (d) For development, Perris Reservoir
- (e) For development, Pyramid Reservoir
- (f) For development, San Luis Reservoir State Recreation Area, O'Neill Forebay
- (g) For development, Sawpit Canyon Area.....
- (h) Interim facilities, Silverwood Lake

provided, that any savings incurred in subitem (a) above, shall be used for fishing sites at the Frenchman Reservoir project (subitem (c) above). Provided further, that the \$75,000 for augmentation of the administrative and fire station facility which is contained in the appropriation for Sawpit Canyon at Silverwood Reservoir (subitem (g) above) shall be available for expenditure only if the United States Forest Service signs an agreement with the Department of Parks and Recreation committing itself to use every effort to finance and construct the entire facility substantially as shown on the Forest Service preliminary drawing dated February 25, 1972.

328—For project planning, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund

758,112

Item	Amount
329—For minor capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund	120,700
330—For capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund	1,438,000
Schedule:	
(a) Development of boating facility, Perris Reservoir—Phase I	349,000
(b) Development of boating facility, Perris Reservoir—Phase II	210,000
(c) Development of boating facility, Pyramid Reservoir	804,000
(d) Reimbursement to Harbors and Watercraft Revolving Fund for planning at Perris and Pyramid Reservoirs	75,000
332—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, payable from the Recreation and Fish and Wildlife Enhancement Fund The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	17,500

**HEALTH SCIENCE FACILITIES CONSTRUCTION
BOND ACT PROGRAM**

SEC. 2.7. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1972-73, 1973-74 and 1974-75 fiscal years for expenditure only for the programs contemplated by the Health Science Facilities Construction Program Bond Act of 1971. All such appropriations shall be paid out of the Health Science Facilities Construction Program Fund.

STATE BUILDING PROGRAM

333—For capital outlay, University of California, subject to approval of the State Public Works Board, payable from the Health Sciences Facilities Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as

Item	Amount
certified by the University of California	10,038,000
Schedule:	
1. Preliminary planning, health sciences, universitywide	400,000
2. Reserve for cost-rise, university-wide	400,000
3. Preliminary plans, working drawings and construct improvements at Orange County Medical Center, step 2, Irvine	282,000
3.1. Preliminary plans, working drawings, construct and equip complete areas in basic science building, San Diego Health Sciences	226,000
4. Construct addition to University Hospital of San Diego County, south wing, San Diego	136,000
5. Construct medical sciences unit 1, Irvine.....	1,185,000
6. Construct school of dentistry building, San Francisco	3,322,000
7. Preliminary plans and working drawings for heating plant No. 2, San Francisco	88,000
8. Preliminary plans, working drawings and construct improvements at University Hospital at San Diego County, San Diego.....	560,000
9. Construct clinics, medical sciences and U.C. hospital buildings alterations, step 1, San Francisco	1,550,000
10. Preliminary plans and working drawings for Moffitt Hospital addition, San Francisco.....	676,000
12. Preliminary plans, working drawings, construct and equip clinical faculty facilities at San Francisco General Hospital, step 3, San Francisco	78,000
12.1. Preliminary plans, working drawings, construct and equip animal holding facilities, Elliott Field Station, San Diego.....	187,000
13. Construct and equip animal services building at University Hospital of San Diego County, San Diego ..	470,000

Item	Amount
14. Equip remodel nursery/delivery suite at University Hospital of San Diego County, San Diego	92,000
15. Preliminary plans, working drawings, construct and equip animal facilities, step 1—relocate experimental animal surgery, San Francisco	162,000
16. Construct rural animal facility, step 1, San Francisco	224,000
provided, that none of the funds appropriated in this item shall be expended to acquire land for expansion of the facilities of the University of California, San Francisco Medical Center.	
333.5—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Health Sciences Facilities Construction Program Fund; provided that expenditures from this item shall be made to augment state funds budgeted for projects in Item 333 to the extent to which federal grants fall short of the maximum amounts anticipated in determining the matching state funds in Item 333.....	7,964,000

GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, over \$10,000 may be expended by any state entity for any single expansion, improvement or addition to electronic data-processing activities, personnel, equipment, facilities or supplies during fiscal year 1972–73, or any expenditure budgeted for fiscal year 1973–74 for electronic data-processing activities, personnel, equipment, facilities or supplies unless the Department Director certifies (or in the case of a consolidated data center, the center director), and the Director of Finance determines and states in writing that the criteria and procedures set forth in the Supplementary Report of the Committee on Conference on the Budget Act of 1972 have been met and followed.

Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, may be expended by any state entity pursuant to a contract for expansion, improvement or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplementary Report of the Committee on Conference on the Budget Act of 1972, during fiscal year 1972–73 or any expenditure budgeted for fiscal year 1973–74 for such activities in excess of \$10,000, unless the contract for the acquisition or rental of equipment, personal services,

or supplies as these terms are defined in the Supplementary Report of the Committee on Conference on the Budget Act of 1972 is competitively bid.

No expenditure of funds for data-processing activities shall be authorized until the director of the department requesting the expenditure and the Director of Finance certify that adequate safeguards have been developed following the criteria contained in the Supplementary Report of the Committee on Conference on the Budget Act of 1972 to insure the confidentiality of data.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, or agencies provided for by Article VI of the Constitution or the Legislature.

Contracts awarded or entered into pursuant to this section shall be in the form of the model contract for lease and/or purchase of electronic data-processing systems and computers as outlined in Section 4960.1 of the State Administrative Manual revised new January, 1967, and no portion of such contract shall be excluded or stricken.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1972-73 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1972, by incurring obligations to be paid after June 30, 1972; and in addition any appropriation for expenditure provided by the Budget Act of 1973 during the 1973-74 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1973, by incurring obligations to be paid after June 30, 1973.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1973-74 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars (\$2,000,000) in estimated cost.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund or the State Highway Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the state colleges and the community colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay with the exception that community college approvals by the Public Works Board will apply only to the allocation of state capital outlay funds appropriated heretofore and hereafter by the Legislature; including land acquisition and equipment funds; provided further, that unless excepted by the conditions of Section 20084 of the Education Code, the Public Works Board shall not approve for allocation any appropriated amounts for working drawings or construction where said working drawings or construction have been started by a community college prior to approval of the state-appropriated amounts by the Public Works Board, and all such amounts not approved by the board under this criterion shall be reverted to the unappropriated balance of the appropriate fund; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no more than one hundred dollars (\$100) of the money appropriated herein may be spent for any single unit of equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 money appropriated for capital outlay purposes.

The Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentation. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undischarged balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1973:

Department of Conservation:

- Item 344 (b), Budget Act of 1968
- Item 344 (c), Budget Act of 1968
- Item 344 (d), Budget Act of 1968
- Item 344 (j), Budget Act of 1968
- Item 396 (a), Budget Act of 1969
- Item 396 (b), Budget Act of 1969
- Item 396 (d), Budget Act of 1969
- Item 396 (e), Budget Act of 1969
- Item 396 (f), Budget Act of 1969
- Item 396 (g), Budget Act of 1969

Department of Navigation and Ocean Development:

- Item 357 (a), Budget Act of 1968 and as amended by Section 10.6, Budget Act of 1971
- Item 350 (b), Budget Act of 1969
- Chapter 71, Statutes of 1970
- Item 203 (a), Budget Act of 1971

Department of Parks and Recreation:

- Item 358 (d), Budget Act of 1968; provided that no funds may be spent until one or more lease agreements for the concession at Pueblo de Los Angeles State Monument is approved and signed by the Director of the State Department of Parks and Recreation; provided further, that any such lease agreement

shall contain a formula for sharing the cost of capital improvements and equipment at the Pueblo de Los Angeles State Monument between the state and the concessionaire; provided further, that any such lease entered into shall be reviewed by the Attorney General and Legislative Analyst, in addition to any other reviews required by law; provided further, that funds subject to this provision shall be available to match federal funds granted to the state for the restoration of Pueblo de Los Angeles.

Item 410(e), Budget Act of 1969

Item 410(f), Budget Act of 1969

University of California:

Item 377(a), Budget Act of 1969

Item 377(b), Budget Act of 1969, as amended by Section 11.1 of the Budget Act of 1971

Item 377(c), Budget Act of 1969

Item 377(d), Budget Act of 1969

Item 377(f), Budget Act of 1969

Item 377(l), Budget Act of 1969

Item 377(q), Budget Act of 1969

Item 377(r), Budget Act of 1969

Item 377(s), Budget Act of 1969

State Colleges:

Trustees of the California State Colleges:

Item 330(b), Budget Act of 1968

Item 408.5, Budget Act of 1966; provided that any property acquired from the funds reappropriated hereby shall only be used for educational purposes.

Chico State College:

Item 339(a), Budget Act of 1967

Item 339(b), Budget Act of 1967

Item 339(g), Budget Act of 1967

Item 329(a), Budget Act of 1968

Item 329(b), Budget Act of 1968

State College, Dominguez Hills:

Item 333(u), Budget Act of 1968

Item 383(b), Budget Act of 1969

State College, Fullerton:

Item 329(i), Budget Act of 1968

Item 329(j), Budget Act of 1968

State College, Hayward:

Item 339(x), Budget Act of 1967

Item 329(m), Budget Act of 1968

Item 329(n), Budget Act of 1968

Humboldt State College:

Item 329(o), Budget Act of 1968

State College, Long Beach:

Item 339(jj), Budget Act of 1967

Item 329(t), Budget Act of 1968

State College, Los Angeles:

Item 339(qq), Budget Act of 1967

Item 339(ss), Budget Act of 1967

Item 383(g), Budget Act of 1969

Sacramento State College:

Item 329(w), Budget Act of 1968

State College, San Bernardino:

Item 339(bbb), Budget Act of 1967

Item 333(z), Budget Act of 1968

San Diego State College:

Item 408(bbb), Budget Act of 1966

San Francisco State College:

Item 352(wwx), Budget Act of 1965

Item 408(ggg), Budget Act of 1966

Item 333(m), Budget Act of 1968

San Jose State College:

Item 353(c), Budget Act of 1965

Item 408(nnn), Budget Act of 1966

Item 339(ppp), Budget Act of 1967

Item 347.12(s), Budget Act of 1970

Stanislaus State College:

Item 339(vvv), Budget Act of 1967

State Polytechnic College, Kellogg-Voorhis Campus:

Item 383(n), Budget Act of 1969

Community Colleges:

Item 417(n), Budget Act of 1969

SEC. 10.1. As of June 30, 1972, the unexpended balance of the appropriation made by Item 79, Budget Act of 1971, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1972, the amount reverted as of June 30, 1972, for Item 79, Budget Act of 1971, is reappropriated and shall be available until June 30, 1973, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1971-72 fiscal year.

SEC. 10.2. Notwithstanding any other provisions of law, Item 282(a) and Item 296(d), Budget Act of 1968 and Item 329(a) and Item 348(d) of the Budget Act of 1969, are reappropriated for the same purposes to the Department of Education and Department of Social Welfare, respectively, and shall be available until June 30, 1973, for expenditure adjustments relating to the 1968-69 and 1969-70 fiscal years under the provisions of Public Law 90-248.

SEC. 10.3. On July 1, 1973, \$3,000,000 of the unexpended balance of the appropriation made by Item 291, Budget Act of 1972 is reappropriated until June 30, 1974; provided, that \$1,000,000 of this amount shall be used solely for the purpose of replacement of instructional equipment; and further provided, that the remaining \$2,000,000 may be used for the purchase of library books, book processing and purchase of replacement instructional equipment.

SEC. 10.4. Notwithstanding any other provisions of law, Item 274(a) and Item 259(b), Budget Act of 1971 are reappropriated for the same purposes to the Department of Education and Department of Social Welfare, respectively; and shall be available until June 30, 1973.

SEC. 10.5. Notwithstanding any other provisions of law the unexpended balance of the appropriation made by Chapter 1242, Statutes of 1971, is hereby reappropriated to the California Hospital Commission for the purposes specified in such chapter and shall be available for expenditure until June 30, 1973.

SEC. 10.7. The unexpended balance of funds appropriated to the Department of Social Welfare by Chapter 578, Statutes of 1971, Section 39.7(b), is hereby reappropriated to the Department of Education for the cost of child care services and child care training programs pursuant to the provisions of Sections 10811 and 10811.5, Welfare and Institutions Code, provided, that the Department of Finance may, by executive order, transfer funds in augmentation of the amount scheduled in subdivision (h) of Item 258 for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248.

SEC. 10.8. The unexpended balance of the appropriation made by Item 271, Item 272, and Item 275, of the Budget Act of 1971 is hereby reappropriated until June 30, 1973, to the Department of Education, not to exceed \$150,000, and any project exceeding \$25,000 shall be subject to approval of the State Public Works Board, for the purpose of remodeling facilities in order to implement the department's reorganization plan.

SEC. 10.9. On the effective date of this act, \$1,500,000 of the unexpended balance of the appropriation made by Item 282.1, Budget Act of 1971, is reappropriated to the University of California, exempt from Section 31 of this act, for the payment of unemployment insurance claims during the 1972-73 fiscal year.

SEC. 10.12. On July 1, 1972, \$1,300,000 of the unexpended balance of the appropriation made by Item 254, Budget Act of 1971, is reappropriated until June 30, 1973, for augmentation of Item 255, Budget Act of 1972, Department of Social Welfare; provided, that no augmentation of Item 255 shall be made until the initial feasibility study and conceptual systems design for improvement to existing automated welfare information system required by Item 255.4, Budget Act of 1972, has been reported to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which consider appropriations and the California Information Systems Implementation Committee; provided further, that no augmentation to Item 255 for funding expansion of the automated welfare information system beyond the pilot seven counties shall be made until the results are reported to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations, and the California Information Systems Implementation Committee; provided further,

the funds appropriated in this section shall be subject to the provisions of Section 4 of this act.

SEC. 11. As of June 30, 1972, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

State Air Resources Board:

Section 2, Chapter 714, Statutes of 1970.

SEC. 11.1. As of June 30, 1972, \$150,000 of the unencumbered balance of the appropriation made by Section 10.1, Budget Act of 1963, as reappropriated by Sections 10.1, Budget Act of 1965 and Section 10.2, Budget Act of 1968, shall revert to the unappropriated balance of the General Fund.

SEC. 11.2. As of June 30, 1972, the unencumbered balances of the appropriations provided in the following citations shall revert to the unappropriated balance of the California Environmental Protection Program Fund:

Resources Agency:

Chapter 522, Statutes of 1971

State Air Resources Board:

Section 3(b), Chapter 715, Statutes of 1970

SEC. 11.3. As of June 30, 1972, the \$1,433,066 appropriation made from the Capital Outlay Fund for Public Higher Education by Item 301.9, Budget Act of 1971, is deleted from that item.

SEC. 11.4. As of June 30, 1972, the \$13,207,000 appropriation made from the Capital Outlay Fund for Public Higher Education by Item 299.1, Budget Act of 1971, is deleted from that item.

SEC. 11.5. As of June 30, 1972, the capital outlay projects in Item 299.1, as listed below, for the University of California are deleted from that item and are no longer authorized.

Item 299.1 (58), Budget Act of 1971	4,590,000
Item 299.1 (59), Budget Act of 1971	100,000
Item 299.1 (60), Budget Act of 1971	170,000
Item 299.1 (61), Budget Act of 1971	1,045,000
Item 299.1 (62), Budget Act of 1971	248,000
Item 299.1 (63), Budget Act of 1971	59,000
Item 299.1 (64), Budget Act of 1971	497,000
Item 299.1 (65), Budget Act of 1971	168,000
Item 299.1 (66), Budget Act of 1971	413,000
Item 299.1 (67), Budget Act of 1971	5,008,000
Item 299.1 (68), Budget Act of 1971	208,000
Item 299.1 (69), Budget Act of 1971	23,000
Item 299.1 (70), Budget Act of 1971	14,000
Item 299.1 (71), Budget Act of 1971	12,000
Item 299.1 (72), Budget Act of 1971	73,000
Item 299.1 (73), Budget Act of 1971	424,000
Item 299.1 (74), Budget Act of 1971	39,000
Item 299.1 (75), Budget Act of 1971	100,000
Item 299.1 (76), Budget Act of 1971	16,000

SEC. 11.6. As of June 30, 1972, the unencumbered balance of the

appropriation made by Chapter 1352, Statutes of 1970, shall revert to the unappropriated balance of the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971.

SEC. 11.7. As of June 30, 1972, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Board of Governors of the California

Community Colleges:

Item 309(oxll), Budget Act of 1971

SEC. 11.8. As of June 30, 1972, the unencumbered balance of the appropriation made by Item 296(f), Budget Act of 1971, shall revert to the unappropriated balance of the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971.

SEC. 11.10. As of June 30, 1972, the unexpended balance of the appropriation made by Item 244, Budget Act of 1971, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1972, the amount reverted as of June 30, 1972, from Item 244, Budget Act of 1971, is reappropriated to and in augmentation of Item 245(a), Budget Act of 1972.

SEC. 11.11. As of June 30, 1972, the unexpended balance of the appropriation made by Item 252, Budget Act of 1971, shall revert to the unappropriated balance of the General Fund. As of July 1, 1972, the amount reverted as of June 30, 1972, from Item 252, Budget Act of 1971, up to a maximum of \$300,000, is reappropriated to, and in augmentation of, Item 244(b)(1) Budget Act of 1972, for establishment of genetic counseling services.

SEC. 11.12. As of June 30, 1972, the unencumbered balance of the appropriations made by Item 301.5(kk), Budget Act of 1971, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

SEC. 12. All appropriations made by this budget act to state agencies are hereby appropriated to such state agencies, provided that such state agencies report the completion or cancellation of their federal grants to the state clearinghouse.

SEC. 17. The Trustees of the California State Colleges having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Items 309 and 310, Budget Act of 1972, and Item 301.5, Budget Act of 1971, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Items 309 and 310, Budget Act of 1972, and Item 301.5, Budget Act of 1971, notwithstanding any other provisions of law, may be used as a source of funding for Item 311, Budget Act of 1972; and provided that, any state funds released by federal grants in excess of those needed for Item 311, Budget Act of 1972, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

For the purposes of complying with this section, the State Controller shall consider a written federal grant commitment as adequate for the release of state funds.

SEC. 18.9. The sum of \$90,000,000 reserved by Section 153 of Chapter 963, Statutes of 1967, is appropriated together with other funds available therefor, for the purposes of capital outlay under items contained within Section 2.2 of this act.

SEC. 18.10. The unappropriated balance of the \$90,000,000 in revenues made available by Section 153, Chapter 963, Statutes of 1967, for capital outlay purposes, as of June 30, 1973, is appropriated for all General Fund purposes and shall be transferred to the General Fund on June 30, 1973.

SEC. 19. On or before September 30, 1972, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of \$6,472,197 as of June 30, 1972, and shall apply the amount of such transfer first against any outstanding working capital advances.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1972-73 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1973-74 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Human Resources Development Contingent Fund, which at any time during the 1972-73 fiscal year exceeds \$1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.6. (a) Since the State Scholarship and Loan Commission must announce in the spring of 1973 those individuals to whom state scholarship awards will be granted for the following fall semester of 1973 and, since the Budget Act of 1973 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur scholarship obligations for the maximum number of awards authorized by Section 31204 of the Education Code in a amount not to exceed \$29,000,000 during the 1972-73 fiscal year for awards to be in effect during the 1973-74 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1973 those individuals to whom graduate fellowship awards will be granted for the following fall semester of 1973 and, since the Budget Act of 1973 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur graduate fellowship obligations for the maximum number of awards authorized by Section 31247 of the Education Code in an amount not to exceed \$1,560,000 during the 1972-73 fiscal year for awards to be in effect during the 1973-74 fiscal year.

(c) Since the State Scholarship and Loan Commission must announce in the spring of 1973 those individuals to whom College Opportunity Grants will be granted for the following fall semester of 1973 and, since the Budget Act of 1973 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur College Opportunity Grant obligations for the maximum number of awards authorized by Section 31263 of the Education Code in an amount not to exceed \$5,962,000 during the 1972-73 fiscal year for awards to be in effect during the 1973-74 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships and graduate fellowships, or College Opportunity Grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship and Loan Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant continuously during the period between October 1, 1971, and July 1, 1972. The State Controller, no later than August 1, 1972, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those exempt from civil service or those instructional and instructional-related positions authorized for the California State Colleges, are abolished effective September 1, 1972.

The State Controller, not later than 30 days prior to the convening of the 1973 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1972, which were unfilled continuously during the period between October 1, 1971, and July 1, 1972, identifying therein all positions authorized for continuation by the Department of Finance.

SEC. 20.1. Notwithstanding any other provisions of law, expenditures under Item 13 of this act or any appropriation in augmentation of such item shall be exempt from the provisions of Sections 11033, 13320 and 13325 of, and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code, subdivision (a) of Section 713 of Title 2 of the California Administrative Code and Sections 4, 6, 8, and 25 of this act, and may be expended as set forth in the Governor's Budget, or for such other purposes, including expenditures for such number of positions in various classifications, as may be authorized by the Joint Committee on Rules.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on

an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed \$1,500,000 during the 1972-73 fiscal year for delivery beginning in the 1973-74 fiscal year, and the sum of \$1,500,000 is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund created by Chapter 1243, Statutes of 1971 to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1973.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education and the Curriculum Commission in the selection of textbooks and the State Printer to print the textbooks for the ensuing school year, the Department of Education and the Department of General Services are authorized subject to those provisions in Item 275 of this act to incur textbook printing obligations in an amount not to exceed \$5,000,000 during the 1972-73 fiscal year for delivery by the State Printer to the Department of Education beginning in the 1973-74 fiscal year.

SEC. 21.6. Any appropriation contained in this act for salary increases or for increased salary ranges or rates includes money for catch-up in salaries as defined in the President's Phase II economic guidelines pertaining to pay increases and may be expended therefor.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of General Services has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment,

stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State Colleges, a president of a state college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services, such standards to be formulated by the Director of General Services with the advice and counsel of the Department of Finance and the Legislative Analyst. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provisions for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money,

and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, unemployment compensation benefits (if enacted into law), insurance premiums for workmen's compensation coverage, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of Law in Item 290 of this Budget Act, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Governor's Budget for 1972-73 and State of California Budget Supplement for 1972-73," submitted by the Governor to the Legislature at the 1972 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public

Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule for personal services or operating expenses and equipment set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding month.

An augmentation of any amount available for expenditure for a category or project designated in any line of any schedule for personal services or operating expenses and equipment set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule shall not exceed, in the

aggregate, 20 percent of the amount so scheduled on that line.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1972-73 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.1. Since it is the intent of the Legislature in enacting this budget that no qualified student be denied admission to the California State Colleges or to the University of California because of a budget deficiency caused by unanticipated additional enrollments, the Director of Finance may, following the adoption of a resolution by the Trustees of the California State Colleges or the Regents of the University of California declaring an enrollment emergency, authorize the accelerated expenditure of amounts budgeted for the state colleges or the university, in the form of an agreement to seek a supplementary appropriation from the General Fund to the extent necessary to insure that all qualified students can be admitted, when he certifies that the systemwide enrollment of the California State Colleges or of the University of California exceeds by 2 percent or more the enrollment upon which the budget for the state colleges or the university was based; provided that no increased expenditure may exceed \$5 million in the aggregate or be authorized sooner than 30 days after notification in writing of the necessity therefor to the Chairman of the Joint Legislative Budget Committee and the chairman of committee in each house which considers appropriations, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine. The provisions of this section shall apply only to undergraduate admissions of California residents.

SEC. 28.2. The Director of General Services may not initiate a lease agreement between the state and another entity, public or private, in which the state is lessee when the agreement is to be for

the lease of a building which will be for the occupancy of any agency or agencies of the state with a firm lease period of five years or longer and an annual rental in excess of \$5,000 or if the agreement contains an option for the purchase of the lease property, unless not less than 30 days prior to such authorization he notifies the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate such an agreement, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

SEC. 28.3. The Department of Social Welfare shall submit to the Department of Finance for its approval all assumptions underlying all estimates related to (1) average monthly caseloads for each of the categorical aid programs, (2) the average grant for each of the categorical aid programs, (3) the total estimated expenditures for each of the categorical programs, (4) savings or costs associated with all regulatory or statutory changes. Such approval of the Department of Finance must be secured prior to the utilization of any such estimates. A listing of all of the approved assumptions, as well as all supporting data provided by the Department of Social Welfare or developed independently by the Department of Finance, shall be made available to the Joint Legislative Budget Committee immediately following approval of the assumptions by the Department of Finance.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 28.6. The Director of Parks and Recreation may not advertise to award any concession contract or agreement which involves a total investment for any private party in excess of \$200,000 unless not less than 30 days prior to such advertising date, the Director of Finance notifies the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate advertising for such concession contract or agreement, or not sooner than such lesser time as the chairman of said committee or his designee, may in each instance determine; provided, that the notification shall include a finding by the Director of Parks and Recreation and the Director of Finance that the concession contract or agreement cannot reasonably be presented to the Legislature through the annual budgeting process.

SEC. 28.7. All appropriations for the support of the California State Colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and applicable budget act restrictions, with the following exception:

(a) The trustees may transfer, without the approval of the Department of Finance, excess salary savings funds from the salary savings reserve allotments for expenditure, provided they do not exceed 20 percent of salary savings. Excess salary savings funds are those funds projected to be in excess of the amount budgeted, provided that, the highest priority on the reallocation of any funds pursuant to this section shall be the maintenance of the Educational Opportunity Program at the 11,014 FTE level adopted by the trustees.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions shall be established unless authorized by the Department of Finance on the basis of work program and organization.

The Director of Finance shall, within 10 days of authorizing any new position, notify the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations; provided, for the purposes of this section, a reclassification of a position shall not be deemed a new position, except where it is a reclassification of a vacant position.

Any new position authorized during the fiscal year pursuant to the provisions of this section shall be separately stated as such for the subsequent fiscal year budget for the agency in which the new position was created.

All positions created pursuant to this section during the fiscal year shall terminate at the end of the fiscal year unless specific authority for their continuance is granted by the Legislature.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations

for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1971, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates ap-

proved by it under this section to the Chairman of the Joint Legislative Budget Committee, and the chairman of the committee in each house which considers appropriations, quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. No funds included in this act shall be expended for support of the Department of Commerce unless and until the Department of Commerce is placed within, and commences and continues operations as a part of, the Agriculture and Services Agency, as required by Section 14980 of the Government Code.

SEC. 32.6. No funds included in this act shall be expended for the support of any agency, board, bureau, commission, committee, council, department, division, office, or unit unless such body is operating in and reporting in the administrative structure to which it is assigned by statute, by a valid, effective, and operative reorganization plan of the Governor submitted to the Legislature, or by this act.

SEC. 32.8. As of June 30, 1972, the unencumbered balance of the revenues provided by Chapter 1326, Statutes of 1965, and appropriated by Section 32.7 of the Budget Act of 1967, shall be transferred to the unappropriated balance of the General Fund.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay ap-

propriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1972, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 157

An act to amend Section 25210.18 of, and to add Section 25210.18a to, the Government Code, relating to county service areas.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 25210.18 of the Government Code is amended to read:

25210.18. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board shall find and determine the extent to which the services described in the resolution of intention are extended county services. After making the finding the board may abandon the proposed establishment of the county service area or may, after passing upon all protests, determine to establish the area. If the board abandons the proposed establishment of the county service area the county services found by the board to be extended county services shall not thereafter be provided to the area from general funds of the county. If the board determines to establish the area it shall by resolution so declare and finally determine and establish the boundaries of the county service area and designate the types of services to be performed therein and adopt a resolution either:

- (a) Declaring the area finally established without an election; or
- (b) Declaring the area established, subject to confirmation by the voters of the proposed area on the question of establishment of such area.

In establishing the boundaries of the area the board may alter the exterior boundaries of the area to include less territory than that described in the notice of the hearing but it may not include any territory not described in the notice of the hearing.

Land devoted primarily to agricultural or livestock uses and being used for the commercial production of agricultural or livestock products shall be excluded from a county service area if such land is contiguous to other land which is not included within the described

exterior boundaries of the county service area, if the board of supervisors finds that such land will not be benefited by any of the types of extended services proposed to be provided within the county service area. Such land may, however, be included in the county service area, if the owner requests its inclusion.

In designating the types of services to be performed in the county service area the board may eliminate one or more of the types of services specified in the resolution of intention to establish the area but may not include any types of services not specified in the resolution of intention.

Upon the adoption of a resolution establishing an area without an election, the area is established for all purposes, subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code and subject to the provisions of Article 2.5 of this chapter.

SEC. 2. Section 25210.18a is added to the Government Code, to read:

25210.18a. Any resolution adopted pursuant to Section 25210.18 declaring a county service area established subject to confirmation by the voters upon the question thereof shall:

(a) Call, provide for and give notice of a special election upon such question;

(b) Fix a date of election; and

(c) Provide for the question to be submitted to the voters.

The election shall be held and conducted by the county and the ballots canvassed in accordance with the provisions of Article 1 (commencing with Section 3700) of Chapter 2, Division 4 of the Elections Code.

After canvass of returns of an election on the question of establishment of a county service area, the board of supervisors shall adopt a resolution either (i) confirming the prior declaration of establishment of the area and finally establishing the area, if a majority of the votes cast upon such question are in favor of establishment of the area; or (ii) determining the prior declaration of establishment defeated by failure to receive the required vote, in which case the county services found by the board to be extended county services shall not thereafter be provided to the area from general funds of the county.

Any resolution adopted pursuant to this section establishing a county service area shall not be subject to the provisions of Article 2.5 of this chapter.

Upon adoption pursuant to this section of a resolution finally establishing an area, the area is established for all purposes subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

CHAPTER 158

An act to amend Section 6499 of, and add Section 6492.5 to, the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 23, 1972 Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 6492.5 is added to the Health and Safety Code, to read:

6492.5. The board may provide, by resolution, that the health officer of the county in which the district is situated shall be the health officer of the district. Upon the adoption of such resolution, it shall be presented to the board of supervisors and, if it is approved by the board of supervisors, such county health officer shall become the ex officio health officer of the district and it shall be his duty to give advice when requested by the board and to aid the district in doing any act necessary or proper to the complete exercise and effect of any of its powers, or for the purposes for which it is formed.

SEC. 2. Section 6499 of the Health and Safety Code is amended to read:

6499. Any county officer required to act as an officer of the district and perform services for the district by virtue of his office, or any county health officer who becomes the ex officio health officer of the district pursuant to Section 6492.5, shall be entitled to reimbursement from the district for the reasonable and actual expenses incurred by him while acting on behalf of the district, to be paid into the county treasury. The amount of such reimbursement shall not exceed the actual expense which he incurred.

CHAPTER 159

An act to amend Section 1618 of the Elections Code, relating to elections.

[Approved by Governor June 23, 1972 Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 1618 of the Elections Code is amended to read:

1618. The election board, not less than 30 days prior to an election, shall issue its order appointing the members of the several precinct boards and designating the polling places; provided, however, that the election board of a county may, by a single order, authorize the county clerk to appoint election officers and designate

polling places for each election to be conducted within the county during the year in which the order is made.

CHAPTER 160

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

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. The uncertainty of the appropriation to the Department of Health, Education, and Welfare and attendant funding delays have resulted in a financial crisis for many school districts in the state which prepared their 1971-1972 fiscal year budgets in contemplation of the timely receipt of federal impact funds under Public Law 874 of the 81st Congress. The Legislature, by this act, intends to provide a procedure whereby these affected school districts can receive assistance in meeting their financial obligations for the remaining portion of the 1971-1972 fiscal year.

SEC. 2. During the 1971-1972 fiscal year only, the board of supervisors of each county or city and county may authorize the treasurer of the county or city and county to make a temporary transfer from the funds in his custody not immediately needed to pay claims against them to any school district in the county or city and county in which 4 percent or more of the revenues for its adopted total school budget for the 1971-1972 fiscal year were based on 1971-1972 budgeted entitlements under Public Law 874, the amount requested by the school district, subject to the provisions of Section 3 of this act. The county or city and county may establish a charge to pay all costs of any such transfer of funds. The costs may include, but are not limited to, all costs to the county or city and county of securing the funds to make such temporary transfers.

SEC. 3. The temporary transfer of funds made to eligible school districts, as described in Section 2 of this act, shall not exceed an amount equal to 50 percent of the school district's 1970-1971 fiscal year entitlement of Public Law 874 funds.

SEC. 4. School districts may repay such temporary transfer of funds without any interest to the county or city and county on or before May 1, 1973. Upon receipt of such 1971-1972 Public Law 874 funds, the school district shall immediately repay to the county or city and county the amount of the temporary transfer of funds made pursuant to Section 2 of this act.

If such temporary transfer of funds are not repaid by May 1, 1973, the county treasurer shall withhold from the May and June apportionments to such school districts an amount equal to the

temporary transfer of funds and charges made to the school district under Section 2 of this act.

SEC. 5. The provisions of this act shall be effective until June 30, 1973, and shall have no force or effect thereafter.

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

Due to the uncertainty of the appropriation measure for the Department of Health, Education, and Welfare, many school districts in this state which had adopted school budgets for the 1971-1972 fiscal year based upon expected availability of Public Law 874 of the 81st Congress entitlements are now faced with a serious financial crisis. In order to place these school districts in a cash position to meet their financial obligations for the remainder of the 1971-1972 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 161

An act to add Section 19348.5 to the Agricultural Code, relating to animals.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 19348.5 is added to the Agricultural Code, to read:

19348.5. Every person who transports a live horse or horses to a slaughterhouse subject to licensing under this chapter shall provide such horse or horses with adequate food and water. A violation of this section shall constitute cruelty to an animal within the meaning of Section 597a of the Penal Code.

CHAPTER 162

An act to amend Section 11715 of the Insurance Code, as amended by Chapter 982 of the Statutes of 1971, relating to workmen's compensation insurer's bond.

[Approved by Governor June 23, 1972. Filed with Secretary of State June 23, 1972.]

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

SECTION 1. Section 11715 of the Insurance Code, as amended by Chapter 982 of the Statutes of 1971, is amended to read:

11715. Any workmen's compensation insurer may, in lieu of and subject to the same conditions as the bond required by Section 11690, and upon payment of the fee prescribed in this article, deposit with the commissioner cash or approved interest-bearing securities or approved preferred stocks readily convertible into cash, or investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. Such deposit shall be made from time to time as demanded by the commissioner and may be made with the commissioner, State Treasurer, or a bank or trust company pursuant to the approval of the commissioner under such rules and regulations as he may deem necessary. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars (\$25,000), nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550), Chapter 1, Part 3, Division 2, relating to loss reserves on workmen's compensation business of the insurer in this state, nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

CHAPTER 163

An act to amend Section 17052 of the Education Code, relating to school cafeteria funds.

[Approved by Governor June 23, 1972. Filed with Secretary of State June 23, 1972.]

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

SECTION 1. Section 17052 of the Education Code is amended to read:

17052. The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafeterias. However, when the governing board deems it necessary, it may make expenditures from the cafeteria fund for the lease or purchase of

additional cafeteria equipment for the central food processing plant, and of vending machines and their installation and housing.

The governing board of any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, may also make expenditures from the cafeteria fund for the construction, alteration, or improvement of a central food processing plant, for the installation of additional cafeteria equipment for the central food processing plant, and for the lease or purchase of vehicles used primarily in connection with the central food processing plant.

CHAPTER 164

An act to amend Section 10601.5 of, and to add Section 10601.6 to, the Education Code, relating to pupil discipline.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 10601.5 of the Education Code is amended to read:

10601.5. The principal of a school may suspend, for good cause, any pupil from the school, subject to the provisions of Sections 10607 and 10607.5. The principal shall report the suspension of such a pupil to the governing board of the school district or to the district superintendent in accordance with the regulations of the governing board.

Any suspension pursuant to this section shall not exceed five schooldays.

SEC. 2. Section 10601.6 is added to the Education Code, to read:
10601.6. As used in Sections 10601 and 10601.5, "good cause" includes those offenses enumerated in Section 10602, but is not limited to those offenses.

CHAPTER 165

An act to add Sections 995 and 995.1 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1972 Filed with
Secretary of State June 23, 1972]

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

SECTION 1. Section 995 is added to the Revenue and Taxation Code, to read:

995. Storage media for computer programs shall be valued on the 1972 and 1973 lien dates as if there were no computer program on such media except basic operational programs. Otherwise, computer programs shall not be valued for purpose of property taxation.

As used in this section, storage media for computer programs may take the form of, but are not limited to, punched cards, tapes, discs or drums on which computer programs may be embodied or stored.

As used in this section, a computer program may be, but is not limited to a set of written instructions, magnetic imprints, required documentation or other process designed to enable the user to communicate with or operate a computer or other machinery.

SEC. 1.5. Section 995.1 is added to the Revenue and Taxation Code, to read:

995.1. Any storage media for computer programs subject to an escape assessment for any year prior to the 1974 lien date shall be valued as provided by Section 995.

SEC. 2. It is the intent of the Legislature that storage media, except basic operational programs, for computer programs shall be valued as if it had no computer program placed on it, except any basic operational programs. The Legislature recognizes that it is not in the public interest to value storage media for computer programs except as provided above. Basic operational programs, like law books or other standard reference books, have value which is measurable, but any other programs, like an attorney's brief, an engineer's calculations, or business records, would be highly speculative.

It is the intent of the Legislature that only those basic operational programs which are presently being assessed and taxed in the various counties continue to be assessed and taxed during the effective period of this act. The value of other computer programs is not now subject to property tax, was not intended to be subject to property tax and shall not be subject to property tax, either directly or indirectly or through the inclusion of the value of such computer programs in evaluating related storage media for computer programs. Taxation of these expressions of creativity would be detrimental to research and an expansion of business activity within the state.

SEC. 3. This act shall be operative with respect to property taxes

for the 1972-1973 and 1973-1974 fiscal years only.

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

In order that this act be operative with respect to property taxes for the 1972-1973 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 166

An act to amend Section 817 of the Education Code, relating to public school employees.

[Approved by Governor June 23, 1972. Filed with Secretary of State June 23, 1972.]

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

SECTION 1. Section 817 of the Education Code is amended to read:

817. The governing body of any school district may by rule or regulation provide for the payment of the costs of replacing or repairing property of an employee, such as eyeglasses, hearing aids, dentures, watches, articles of clothing necessarily worn or carried by the employee, or vehicles when any such property is damaged in the line of duty without fault of the employee or if such property is stolen from the employee by robbery or theft while the employee is in the line of duty. If the property is damaged beyond repair or stolen, the actual value of such property may be paid. The value of such property shall be determined as of the time of the damage thereto or the robbery or theft. Limits may be established for the payment for such damaged or stolen property.

In the event the employee is paid the costs of replacing or repairing such property, or the actual value of such property, the school district shall, to the extent of such payments, be subrogated to any right of the employee to recover compensation for such damaged or stolen property. The school district may file and prosecute an action to enforce its subrogation right in the small claims court if the amount of the claim is within that court's monetary jurisdiction or may enforce its subrogation right in any other court of competent jurisdiction.

CHAPTER 167

An act to amend Section 6512 of the Health and Safety Code, relating to sanitary districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1972 Filed with
Secretary of State June 23, 1972]

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

SECTION 1. Section 6512 of the Health and Safety Code is amended to read:

6512. It may acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate such garbage dump sites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and water reclamation and distribution systems, as in the judgment of the board shall be necessary and proper, and in the performance of these functions, either in or out of the district, it may join through joint powers agreements pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, or through other means with any county or municipality or any other district or governmental agency.

Before any garbage dump shall be established the location shall first be approved by the county health officer, and in addition, if the location is within two miles of any city the consent of the governing body of the city shall first be secured.

If the district includes any part of a city, water district, or other local agency which provides water service to any territory in the district, the district shall not supply water service to such territory unless the district first obtains the consent of such city, water district, or other local agency. Such consent shall not be revoked if revocation will result in a decrease of the revenues available to pay the outstanding bonds of the district.

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

The provisions of the Sanitary District Act of 1923 do not expressly authorize a sanitary district to participate in a water management system through a joint powers agreement with other public entities. Unless the authority of a sanitary district to act in this regard is made clear, delay in the prevention and alleviation of water pollution may result.

CHAPTER 168

An act to add Section 21100.5 to the Vehicle Code, relating to vehicles.

[Approved by Governor June 23, 1972. Filed with Secretary of State June 23, 1972.]

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

SECTION 1. Section 21100.5 is added to the Vehicle Code, to read: 21100.5. Notwithstanding any other provisions of law, local authorities of any city which is on a natural island with an area in excess of 20,000 acres and which is within a county having a population in excess of 4,000,000, may, if they determine such rules and regulations to be necessary in view of the special traffic problems existing thereon, adopt rules and regulations by ordinance or resolution on the following matters:

(a) Regulating the size of vehicles used on streets under their jurisdiction.

(b) Regulating the number of vehicles permitted on streets under their jurisdiction.

(c) Prohibiting the operation, on streets under their jurisdiction, of designated classes of vehicles.

This section shall not apply to vehicles of utilities which are under the jurisdiction of the Public Utilities Commission while engaged in maintenance and construction type service work.

 CHAPTER 169

An act to add Chapter 1.6 (commencing with Section 235) to Part 5 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

[Approved by Governor June 23, 1972. Filed with Secretary of State June 23, 1972.]

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

SECTION 1. Chapter 1.6 (commencing with Section 235) is added to Part 5 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to read.

CHAPTER 1.6. REVENUE BONDS

Sec. 235. The board may not proceed under this chapter until it has submitted to the qualified voters of such district at a special election to be consolidated with an election, at which all such qualified voters shall be authorized to vote, a proposition as to

whether the board shall be authorized to issue and sell revenue bonds under this chapter. If a majority of the voters of the district voting on the proposition at the election shall vote in favor of the proposition, the board may proceed to issue and sell revenue bonds as provided in this chapter. If the proposition fails to carry at such election, the proposition shall not again be voted upon until at least six months have elapsed since the date of the last election at which the proposition was submitted.

Sec. 236. The election procedures applicable to Article 2 (commencing with Section 210) of Chapter 1 shall apply to any election held pursuant to this chapter.

Sec. 237. Whenever the board, after authorization to proceed to issue and sell revenue bonds under this chapter has been granted, by ordinance adopted by a vote of two-thirds of the total vote of the board, determines that the interests of the district require the use of revenue bonds to finance the acquisition, construction or completion of any public improvement or works of the district, or the payment of funds for any part of the capital costs of any public improvement or works of any public entity or agency, including the state and the federal government, necessary for service to the district, or the incurring of any preliminary and incidental expenses, or any combination of such purposes, necessary or convenient to carry out the objects or purposes of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, the board may provide for the issuance and sale of revenue bonds for any or all of the above purposes, upon such terms and conditions as the board may deem necessary, convenient or desirable, and, in connection therewith, the board may pledge, place a charge upon, and assign all or any part of the revenues of the district and any other funds, including contributions from any source, which the district may legally apply to such purposes, excepting, however, any and all proceeds derived from the levy of taxes.

Sec. 238. The board shall fix the rate or rates at which water shall be sold pursuant to Chapter 2 (commencing with Section 130) of Part 4 which, with reasonable allowances for contingencies and error in the estimates, shall be at least sufficient, together with any other revenues not derived from the levy of taxes, to provide revenues to pay the following amounts in the order set forth:

(1) The necessary expenditures for operating and maintaining the properties, works, and facilities of the district, and also for such charges as may be payable by the district under a contract with this state for water which are classified as operation, maintenance, power, and replacement charges.

(2) The principal and interest of the revenue bonds as the same become due and payable, including any sinking fund payments for term bonds, if any.

(3) The deposits into any reserve funds that may be established to secure the revenue bonds.

(4) Any other obligations which are liens or encumbrances upon

the water revenues.

Sec. 239. Any excess of revenues collected over and above the amounts required to be used for specific purposes by Section 238 may be used for any lawful purpose of the district, including, without limitation, the payment of the principal and interest on any general obligation bonds of the district and the payment to the state of any other amounts payable under any contract between the state or a department thereof and the district.

Sec. 239.1. In the issuance and sale of revenue bonds pursuant to this chapter, the board is authorized to use any provisions of Article 3 (commencing with Section 220) of Chapter 1 of this part and of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1, Division 2, Title 5 of the Government Code).

Sec. 239.2. No revenue bonds shall be issued under this chapter, except for refunding, unless the amount of equity of the district, as shown on its balance sheet as of the end of the last fiscal year prior to the issuance of such bonds, equals at least 100 percent of the aggregate amount of revenue bonds to be outstanding following the issuance of such bonds.

CHAPTER 170

An act to add Section 35016 to, and to repeal Sections 35157, 35321, and 35420 of, the Government Code, relating to annexation.

[Approved by Governor June 23, 1972 Filed with
Secretary of State June 23, 1972]

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

SECTION 1. Section 35016 is added to the Government Code, to read:

35016. All proper expenses of proceedings for annexation pursuant to this chapter shall be paid by the annexing city, unless otherwise provided by agreement between the annexing city and the proponents of the annexation.

SEC. 2. Section 35157 of the Government Code is repealed.

SEC. 3. Section 35321 of the Government Code is repealed.

SEC. 4. Section 35420 of the Government Code is repealed.

CHAPTER 171

An act relating to the late filing of maps or plats for purposes of property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Notwithstanding the provisions of Sections 54902 and 54903 of the Government Code, the formation of any airport district pursuant to Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code shall be effective for assessment and taxation purposes for the 1972-1973 fiscal year if the statement and map or plat required by Section 54900 of the Government Code are filed on or before April 1, 1972.

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

Some airport districts were formed after January 1, 1972, and were, therefore, not able to file in a timely manner the documents required by Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, which will delay the levy and collection of taxes for such districts until the 1973-1974 fiscal year. In order to remedy this situation at the earliest possible time to enable such districts to obtain tax revenues for the 1972-1973 fiscal year, it is necessary for this act to go into immediate effect.

 CHAPTER 172

An act to amend Sections 12841, 13211, and 13623 of the Public Utilities Code, relating to municipal utilities districts.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972]

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

SECTION 1. Section 12841 of the Public Utilities Code is amended to read:

12841. A district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness. No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the voters voting on the proposition to incur such indebtedness except as follows:

(a) A further vote of the voters is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district.

(b) Any district operating a utility under rules requiring applicants for extensions to advance the expenses of such extensions and facilities for serving additional territory may enter into agreements to refund to the applicants in a subsequent year the whole or any part of the expenses so advanced, and the refunds may be paid out of the revenues of subsequent years.

SEC. 2. Section 13211 of the Public Utilities Code is amended to read:

13211. The votes of a two-thirds of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

SEC. 3. Section 13623 of the Public Utilities Code is amended to read:

13623. The favorable vote of a two-thirds of all the voters within the special district voting on the proposition is required to authorize the issuance of the bonds.

CHAPTER 173

An act to add Article 4 (commencing with Section 5670) to Chapter 5 of Division 6 of the Education Code, relating to school classes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1972 Filed with
Secretary of State June 23, 1972]

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

SECTION 1. Article 4 (commencing with Section 5670) is added to Chapter 5 of Division 6 of the Education Code, to read:

Article 4. Evening High School Programs

5670. The governing board of a school district which maintains high schools and a continuation education program may establish and maintain evening high school programs in grades 9 to 12, inclusive, for minors subject to Section 12101.

5671. Notwithstanding any other provision of law, a governing board to which this article applies may establish the number of, and the specific days of the week on which such a program shall be in session. The governing board may further prescribe the number of

hours during which the program shall be in session.

5672. An evening high school program shall consist of courses similar to the curriculum of the regular high schools of the district.

Credit for coursework satisfactorily completed shall be acceptable by all of the regular day high schools of the district.

5673. The attendance of a minor at an evening high school program shall be voluntary, but the written permission of the minor's parent or guardian is required.

5674. The attendance of a pupil in an evening high school program shall not result in the crediting of more than one unit of average daily attendance during the regular school year, even if the pupil also attends one or more classes in the regular high schools of the district.

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

In order to permit programs authorized by this act to be established at the beginning of the 1972-1973 school year, or as soon thereafter as possible, and so facilitate the orderly administration of this act, it is necessary that this act take effect immediately.

CHAPTER 174

An act to add Section 54938.6 to the Government Code, relating to assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 54938.6 is added to the Government Code, to read:

54938.6. Notwithstanding Sections 54902 and 54903, the dissolution of the Altaville Sanitary District, the dissolution of the Altaville Lighting District, and the detachment of certain territory from the Altaville-Melones Fire District and the annexation of all of the above territory to the City of Angels shall be effective for assessment and taxation purposes if the statement and maps or plat required by Section 54900 are filed with the assessor and the State Board of Equalization on or before March 15, 1972.

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

In order that proper assessments be made and to avoid double

taxation of the residents of the districts involved, this statute must go into immediate effect.

CHAPTER 175

An act to amend Sections 25210.77f and 25831 of, and to add Section 38790.1 to, the Government Code, relating to counties and cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1972. Filed with
Secretary of State June 23, 1972.]

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

SECTION 1. Section 25210.77f, as added to the Government Code by Chapter 12 of the Statutes of 1972, is amended to read:

25210.77f. Any fees authorized pursuant to Section 25210.77e which remain unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

SEC. 2. Section 25831, as added to the Government Code by Chapter 12 of the Statutes of 1972, is amended to read:

25831. Any fees authorized pursuant to Section 25830 which remain unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

SEC. 2.5. Section 38790.1 is added to the Government Code, to read:

38790.1. Any city collecting garbage fees or charges may collect delinquent fees or charges in the manner provided in Section 25831 for counties.

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

Chapter 12 of the Statutes of 1972 was intended, but failed, to permit counties to collect fees for the acquisition, operation and maintenance of waste disposal sites and the collection and disposal of solid waste prior to the period for which such services are provided. Unless the fees authorized by Chapter 12 are collected at the time and in the manner provided in this measure, it will be necessary for the counties to borrow funds to finance these services. In order that this essential service can be instituted as soon as possible and that fees to finance the service can be collected in the most expeditious manner it is necessary that this act go into effect immediately.

CHAPTER 176

An act to amend Sections 36110 and 36125 of, to add Section 36101 to, and to repeal Sections 36106 and 36112 of, the Vehicle Code, relating to vehicles.

[Approved by Governor June 26, 1972 Filed with
Secretary of State June 26, 1972]

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

SECTION 1. Section 36101 is added to the Vehicle Code, to read: 36101. The following farm vehicles are exempt from registration, provided they have and display an identification plate as specified in Section 36125, and such vehicles shall not be deemed to be implements of husbandry and they shall be subject to all equipment and device requirements as if registered:

(a) "Farm trailers," as defined in Section 36010, having a gross weight of 6,000 pounds or less.

(b) A motor vehicle of such a size as to require a permit under Section 35780 owned and operated by a farmer, designed and used exclusively for carrying or returning empty from carrying, feed and seed products of farming and used on a highway between one part of a farm to another part thereof, or from one farm to another farm.

(c) A vehicle equipped with a water tank owned by a farmer and used exclusively to service his own implements of husbandry.

SEC. 2. Section 36106 of the Vehicle Code is repealed.

SEC. 3. Section 36110 of the Vehicle Code is amended to read:

36110. "Farm trailers," as defined in Section 36010, having a gross weight of more than 6,000 pounds are subject to registration but may pay the additional fees required by Section 9400 for a period of three consecutive months as provided in Section 9700.

SEC. 4. Section 36112 of the Vehicle Code is repealed.

SEC. 5. Section 36125 of the Vehicle Code is amended to read:

36125. Owners of cotton trailers, farm trailers as specified in subdivision (a) of Section 36101, vehicles which are farmer-owned and used as provided in subdivision (c) of Section 36101, or motor vehicles which are farmer-owned and operated and used as provided in subdivision (b) of Section 36101, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars (\$5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years by

application and payment of the five-dollar (\$5) service charge, except that payment shall be a four-dollar (\$4) service charge on renewal or original applications for 1970, and a three-dollar (\$3) service charge on renewal or original applications for 1971. Such applications for 1970 and 1971 shall expire in two and one years, respectively, to place all such identification plates on an identical three-year basis. Thereafter, the five-dollar (\$5) service charge on original applications for such identification plates shall be decreased by one dollar (\$1) for each subsequent year of the three-year cycle.

As used in this section, three years means three (3) calendar years. Any part of the year of first application shall constitute a calendar year.

CHAPTER 177

An act to amend Section 136.5 of the Streets and Highways Code, relating to public works contracts.

[Approved by Governor June 26, 1972 Filed with
Secretary of State June 26, 1972]

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

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provision of the State Contract Act. Except for emergency work of the type described in the second paragraph of this section, whenever the estimated amount of such a contract exceeds two thousand five hundred dollars (\$2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe. Posting of notice for five days in a public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts shall be subject to the applicable payment bond provisions of Chapter 7 (commencing with Section 3247) of Part 4 of Division 3 of the Civil Code. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 20 days without competitive bidding.

CHAPTER 178

An act to add Section 12973.6 to the Insurance Code, relating to insurance.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 12973.6 is added to the Insurance Code, to read:

12973.6. If a check in payment of a tax, fee or penalty is not paid by the bank on which it is drawn on its first presentation, the commissioner shall charge and collect an additional fee sufficient to reimburse him for incurred costs.

CHAPTER 179

An act to amend Section 12143 of the Insurance Code, relating to insurance.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 12143 of the Insurance Code is amended to read:

12143. A club agent is a person other than the motor club itself, who acts or aids in any manner in the solicitation, delivery, or negotiation of any membership or service contract, or of the renewal or continuance thereof.

CHAPTER 180

An act to amend Section 21156 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 21156 of the Government Code, as added by Chapter 1034 of the Statutes of 1971, is amended to read:

21156. A state agency may employ a person receiving a retirement allowance under this system who has not attained age 70

and who possesses the legal requirements for the practice of medicine or dentistry in California as determined by the Board of Medical Examiners or the Board of Dental Examiners to render essential medical or dental services and shall pay for such services at a rate not less than the minimum, nor more than the maximum paid to other employees performing comparable duties.

Any person who renders such services shall not be deemed to be an employee of the agency for the purposes of the Public Employees' Retirement Law, nor shall he acquire any additional retirement rights or benefits thereunder because of such employment.

The monthly amount of such person's pension for any calendar month shall be reduced by the amount of compensation paid to him for any service which exceeds 60 days for all state employers in any calendar year, so rendered during said month, but such compensation shall not reduce the amount of such pension for any month or for any period other than the calendar month during which the services in excess of 60 days in that calendar year and for which he was compensated were rendered. If the amount of the compensation paid for the service in excess of 60 days in any year shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The agency employing the person shall furnish to the board all information necessary to carry out the provisions of this section. The board promptly after receiving notification of any payment of compensation by a state agency shall adjust the pension payments accordingly, and if necessary shall require repayment of any overpayments of pension.

This section shall be effective notwithstanding the provisions of Section 21150 of this code or any other provision of law.

CHAPTER 181

An act to amend Sections 12950 and 12951 of the Insurance Code, relating to insurance.

[Approved by Governor June 26, 1972 Filed with
Secretary of State June 26, 1972]

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

SECTION 1. Section 12950 of the Insurance Code is amended to read:

12950. Any person interested as owner, assignee, pledgee or payee, of any policy and desiring any information about such policy, may apply to the commissioner for a certificate of the facts or information desired. Such application, filed in duplicate, shall be accompanied by an affidavit, in duplicate, showing his interest in the policy.

SEC. 2. Section 12951 of the Insurance Code is amended to read:
12951. If the records of his office show the facts or information desired, the commissioner shall prepare his certificate reciting such facts or information. If his records do not show the facts or information desired, he may deliver or mail by certified mail an order to the insurer, directing it to state such information or facts in an affidavit and deliver such affidavit to him. If such insurer is a foreign insurer, the commissioner may deliver or mail by certified mail such order to its agent for service of process.

CHAPTER 182

An act to add Section 10113.5 to the Insurance Code, relating to life insurance.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 10113.5 is added to the Insurance Code, to read:

10113.5. An individual life insurance policy delivered or issued for delivery in this state shall contain a provision that it is incontestable after it has been in force, during the lifetime of the insured, for a period of not more than two years after its date of issue, except for nonpayment of premiums and except for any of the supplemental benefits described in Section 10271, to the extent that the contestability of such benefits is otherwise set forth in the policy or contract supplemental thereto. An individual life insurance policy, upon reinstatement, may be contested on account of fraud or misrepresentation of facts material to the reinstatement only for the same period following reinstatement, and with the same conditions and exceptions, as the policy provides with respect to contestability after original issuance. This section shall not be construed to preclude at any time the assertion of defenses based upon policy provisions which exclude or restrict coverage.

This section shall not apply to individual life insurance policies delivered or issued for delivery in this state on or before December 31, 1973. This section shall become operative on January 1, 1974.

CHAPTER 183

An act to add Chapter 1.7 (commencing with Section 22530) to Division 16.5 of the Education Code, relating to academic materials.

[Approved by Governor June 26, 1972 Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Chapter 1.7 (commencing with Section 22530) is added to Division 16.5 of the Education Code, to read:

CHAPTER 1.7. PREPARATION, SALE, AND DISTRIBUTION OF
TERM PAPERS AND OTHER ACADEMIC MATERIALS

22530. No person shall prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with the knowledge, or under circumstances in which he should reasonably have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person for academic credit at any public or private college, university, or other institution of higher learning in this state.

22531. No person shall make or disseminate, with the intent to induce any other person to enter into any obligation relating thereto, any statement, written or oral, that he will prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material, for a fee or other compensation, for or on behalf of any person who has been assigned the written preparation of such term paper, thesis, dissertation, or other written material for academic credit at any public or private college, university, or other institution of higher learning in this state.

22532. Any court of competent jurisdiction is hereby authorized to grant such relief as is necessary to enforce the provisions of this chapter, including the issuance of an injunction.

22533. Actions for injunction under the provisions of this chapter may be brought in the name of the people of the State of California upon their own complaint or upon the complaint of any person, or any public or private college, university, or other institution of higher learning, acting for the interest of itself, its students, or the general public.

22534. The provisions of this chapter are not exclusive. Nothing in this chapter shall be construed to preempt or in any other way limit, diminish, or imply the absence of rights of any party, public or private, against any person in connection with any of the acts described in Section 22530 or Section 22531.

22535. As used in this chapter, "person" means any individual, partnership, corporation, or association.

As used in this chapter, "prepare" means to put into condition for intended use. "Prepare" does not include the mere typing or assembling of papers, nor the mere furnishing of information or research.

CHAPTER 184

An act to amend Section 16556 of the Education Code, relating to the use of public school buildings.

[Approved by Governor June 26, 1972. Filed with Secretary of State June 26, 1972]

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

SECTION 1. Section 16556 of the Education Code is amended to read:

16556. There is a civic center at each and every public school building and grounds within the state where the citizens, parent-teachers' association, Camp Fire Girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside. Governing boards of the school districts may authorize the use, by such citizens and organizations of any other properties under their control, for supervised recreational activities.

CHAPTER 185

An act to amend Section 10133.1 of the Business and Professions Code, relating to real estate.

[Approved by Governor June 26, 1972. Filed with Secretary of State June 26, 1972]

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

SECTION 1. Section 10133.1 of the Business and Professions Code is amended to read:

10133.1. The provisions of subdivision (d) of Section 10131, subdivision (e) of Section 10131, Section 10131.1 and of Articles 5 (commencing with Section 10230), 6 (commencing with Section

10237), and 7 (commencing with Section 10240 of this chapter do not apply to the following:

(a) Any person or employee thereof doing business under any law of this state, any other state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, or insurance companies.

(b) Any lender making a loan guaranteed or insured by an agency of the federal government or for which a commitment to so guarantee or insure has been made by such agency.

(c) Any nonprofit cooperative association organized under Chapter 1 (commencing with Section 5401) of Division 20 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(d) Any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis, in loaning or advancing money to the members thereof or in connection with any such business.

(e) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled the "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(f) Any person licensed to practice law in this state, not actively and principally engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as an attorney at law, and the disbursements of such person, whether paid by the borrower or other person, are not charges or costs and expenses regulated by or subject to the limitations of Article 7 (commencing with Section 10240) of this chapter, provided, such fees and disbursements shall not be shared, directly or indirectly, with the person negotiating the loan or the lender.

(g) Any person licensed as a personal property broker when acting under the authority of such license.

(h) Any cemetery authority as defined by Section 7018 of the Health and Safety Code which is authorized to do business in this state or its authorized agent.

(i) Any person who makes collection of payments for lenders or on notes of owners in connection with loans secured directly or collaterally by liens on real property and (1) who is not actively engaged in the business of negotiating loans secured by real property or (2) who is not acting as a principal or agent in the sale or exchange of promissory notes secured directly or collaterally by liens on real property.

(j) Any person licensed by the Savings and Loan Commissioner pursuant to Chapter 6 (commencing with Section 6200) of Part 1 of Division 2 of the Financial Code to act as an agent of a savings and loan association as defined by Section 5053 of such code, when acting under the authority of such license.

CHAPTER 186

An act to amend Section 1042.1 of the Military and Veterans Code, relating to the Veterans' Home of California.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 1042.1 of the Military and Veterans Code is amended to read:

1042.1. If any check is drawn upon any trust fund of the home, except checks drawn by members of the home on their own accounts, and remains unclaimed, or is not cashed, for a period of one year, it shall be canceled and the amount thereof shall be turned over to the executive officer and be deposited to the credit of the post fund and used for the common benefit of the members of the home.

CHAPTER 187

An act to amend Section 26205.5 of, and to add Section 26205.7 to, the Government Code, relating to records.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 26205.5 of the Government Code is amended to read:

26205.5. At the request of the county recorder, the board of supervisors of any county may authorize the destruction of any or all of the filed papers or record books created by handwriting, typing on printed forms, by typewriting, or by photographic methods, in the recorder's official custody, if all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, or reproduced under the direction and control of the county recorder on film of a type approved for permanent photographic records by the National Bureau of Standards;

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

(c) The photographs, microphotographs, or other reproductions

on film are made as accessible for public reference as the book records were.

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

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

SEC. 2. Section 26205.7 is added to the Government Code, to read:

26205.7. Recognizing that certain early created handwritten records of the county recorder may be of historical value, the recorder shall, prior to destroying any of his handwritten records under the authority granted in Section 26205.5, notify the Secretary of State of his intention to destroy or dispose of such records. The Secretary of State shall have 90 days to request the transfer of such records. If the Secretary of State does not request the transfer of such records, the county recorder may destroy them pursuant to Section 26205.5.

CHAPTER 188

An act to amend, repeal, and add Section 13354 of the Vehicle Code, relating to blood tests.

[Approved by Governor June 26, 1972. Filed with
Secretary of State June 26, 1972.]

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

SECTION 1. Section 13354 of the Vehicle Code is amended to read:

13354. (a) Only a physician, registered nurse, licensed vocational nurse, or duly licensed clinical laboratory technologist or clinical laboratory bioanalyst acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

(b) The person tested may, at his own expense, have a physician, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst or any other person of his own choosing administer a test, in addition to any administered at the direction of a peace officer, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a peace officer.

(c) Upon the request of the person tested full information concerning the test taken at the direction of the peace officer shall be made available to him or his attorney.

(d) No physician, registered nurse, licensed vocational nurse, or duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or hospital, laboratory or clinic employing or utilizing the services of such physician, registered nurse, licensed vocational nurse, or duly licensed laboratory technologist or clinical laboratory bioanalyst, owning or leasing the premises on which such tests are performed, shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

(e) If the test given under Section 13353 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(f) The Department of the California Highway Patrol, in cooperation with the Department of Public Health or any other appropriate agency, shall adopt uniform standards for the withdrawal, handling, and preservation of blood samples prior to analysis.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 13354 is added to the Vehicle Code, to read:

13354. (a) Only a physician, registered nurse, licensed vocational nurse, or duly licensed clinical laboratory technologist or clinical laboratory bioanalyst acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

(b) The person tested may, at his own expense, have a physician, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst or any other person of his own choosing administer a test, in addition to any administered at the direction of a peace officer, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a peace officer.

(c) Upon the request of the person tested full information concerning the test taken at the direction of the peace officer shall be made available to him or his attorney.

(d) No physician, registered nurse, licensed vocational nurse, or duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or hospital, laboratory or clinic employing or utilizing the services of such physician, registered nurse, licensed vocational nurse, or duly licensed laboratory technologist or clinical laboratory bioanalyst, owning or leasing the premises on which such tests are

performed, shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

(e) If the test given under Section 13353 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(f) The Department of the California Highway Patrol, in cooperation with the Department of Health or any other appropriate agency, shall adopt uniform standards for the withdrawal, handling, and preservation of blood samples prior to analysis.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 13354 of the Vehicle Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 13354 of the Vehicle Code, as added by Section 2 of this act, which includes the changes in Section 13354 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 189

An act to amend Sections 102001, 102002, 102050, 102051, 102052, 102100, 102180, 102205, and 102331 of, and to add Sections 102023 and 102052.5 to, the Public Utilities Code, relating to transit districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1972 Filed with
Secretary of State June 27, 1972.]

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

SECTION 1. Section 102001 of the Public Utilities Code is amended to read:

102001. The Legislature hereby finds and declares:

(a) It is necessary that a transit district be established to operate a single unified public transportation system in the Sacramento region in order to meet the present and future public transportation, and mass and rapid transit, needs of that region. The existing Sacramento Transit Authority, because of its limited legal and financial base, is unable to solve the transit problems of the Sacramento region and provide the needed comprehensive public transportation system.

(b) It is, therefore, necessary to provide a successor corporation to the authority, to wit: a transit district, and to provide for the

formation of such transit district appointed by and responsive to the cities and counties in the Sacramento region served by the district so that there will be sufficient governmental authority to solve the existing and future transportation problems of the Sacramento region and provide the needed comprehensive public transportation system.

(c) Because there is no general law under which such a district could be formed, the adoption of a special act enabling the creation of a special district is required.

SEC. 2. Section 102002 of the Public Utilities Code is amended to read:

102002. It is the intent of the Legislature that the formation of this district shall further the concept of regional rapid transit and transit districts, with the eventual goal of the creation of a network of rapid transit systems throughout the state which would be operated as a single coordinated statewide system to facilitate the expeditious movement of people between the major metropolitan centers of the state.

SEC. 3. Section 102023 is added to the Public Utilities Code, to read:

102023. "Tax or financial support" includes funds made available pursuant to the "Mills-Alquist-Deddeh Act" (Chapter 4 (commencing with Section 99200), Part 11 of Division 10).

SEC. 4. Section 102050 of the Public Utilities Code is amended to read:

102050. The Sacramento Regional Transit District may be formed pursuant to this chapter to carry out the purposes of this part. The district shall be a public corporation for such purposes.

SEC. 5. Section 102051 of the Public Utilities Code is amended to read:

102051. The district may comprise the Cities of Davis, Folsom, Roseville, Sacramento, and Woodland, and the following described unincorporated territory of the Counties of Sacramento and Yolo:

The unincorporated territory of the County of Sacramento which may be included is described as follows:

(a) Beginning at the northeasterly corner of the Sacramento County line running Southeasterly to Highway 50; thence southwesterly along Highway 50 to Prairie City Road; thence southeasterly along Prairie City Road to White Rock Road; thence along White Rock Road to Grant Line Road; thence along Grant Line Road to Douglas Road; thence westerly along Douglas Road to Sunrise Blvd.; thence southerly along Sunrise Blvd. to Kiefer Blvd.; thence westerly along Kiefer Blvd. to Excelsior Road; thence southerly along Excelsior Road to Jackson Road; thence northwesterly along Jackson Road to Elk Grove-Florin Road; thence southerly along Elk Grove Florin Road to the Sacramento City Limits; thence following the Sacramento City Limits to Elk Grove-Florin Road; thence southerly along Elk Grove-Florin Road to Calvine Road; thence westerly along Calvine Road and its extension

to the Sacramento City Limits; thence along the Sacramento City Limits to the Sacramento River; thence along the Sacramento River upstream to the intersection of the Sacramento River and prolongation of San Juan Road; thence easterly along the prolongation of San Juan Road to the Sacramento City Limits; thence along the Sacramento City Limits to Elk Horn Blvd; thence easterly along Elk Horn Blvd. to the Western Pacific Railroad; thence along the Western Pacific Railroad to Elverta Road; thence easterly along Elverta Road to Watt Avenue; thence southerly along Watt Avenue to U Street; thence easterly along U Street to Southern Pacific Railroad; thence northeasterly along Southern Pacific Railroad to Sacramento County line; thence easterly along Sacramento County line to point of beginning, and excluding the cities of Sacramento and Folsom.

(b) Beginning at the intersection of Bond Road and the Southern Pacific Railroad; thence easterly along Bond Road to Waterman Road; thence southerly along Waterman Road to Grant Line Road; thence southwesterly along Grant Line Road to U.S. 99; thence northwesterly along U.S. 99 to the intersection of Bond Road; thence easterly along Bond Road and its prolongation to the point of beginning.

(c) All of that property known as the Sacramento County Metropolitan Airport in Natomas Elkhorn Subdivision and Sec. 36, T. 10 N., R. 3 E., M.D.M. and filed for record the 29th day of January, 1968, at 4:45 P. M. in Book 26 of Surveys, at Page 12 in the office of the Sacramento County Recorder.

The unincorporated territory of the County of Yolo which may be included is described as follows:

(a) Beginning at the northeast corner of Sec. 36, T. 9 N., R. 3 E., M.D.B. & M.; thence north $\frac{1}{2}$ mile along the west line of Sec. 30, T. 9 N., R. 4 E., to the west $\frac{1}{4}$ corner of Sec 30; thence east $\frac{1}{2}$ mile to the center of Sec. 30; thence north $\frac{1}{8}$ mile more or less to the north line of S.L.S. No. 970, the point being on the centerline of Tule Lake Road; thence northeasterly along the north line of S.L.S. 970 to the centerline of the Sacramento River; thence easterly and southerly down and along said river to the south line of Swamp Land Survey No. 815; thence northwesterly along the said south line of said survey to its southwest corner; thence northeasterly along the west line of said last named survey to a point where it is intersected by the quarter section line running east and west through Sec. 30, T. 8 N., R. 4 E.; thence west about $\frac{3}{4}$ mile to the east $\frac{1}{4}$ corner of Sec. 25, T. 8 N., R. 3 E.; thence north $5\frac{1}{2}$ miles more or less to the point of beginning.

(b) Beginning at the Intersection of State Route 113 and the Yolo County line, southern boundary; thence easterly along the Yolo County line southern boundary to the Davis City Limits; thence meandering along the Davis City Limits to Russell Boulevard; thence westerly along Russell Boulevard to State Route 113; thence southerly along state route 113 to the point of beginning.

For purposes of this section, any reference to an avenue, boulevard, highway, railroad, road, or street includes the right-of-way thereof.

SEC. 6. Section 102052 of the Public Utilities Code is amended to read:

102052. The district shall be formed upon the adoption of a resolution by the City Council of the City of Sacramento and the adoption of a resolution by the Board of Supervisors of the County of Sacramento declaring there is a need for the district to function.

SEC. 7. Section 102052.5 is added to the Public Utilities Code, to read:

102052.5. The boundaries of the district, at any point in time, shall include (a) all the area of any city eligible to participate under Section 102051 or 102055 in which the governing body has declared a need for the district to operate and (b) that area of any county eligible to participate under Section 102051 or 102055 within which the governing body has declared a need for the district to operate.

SEC. 8. Section 102100 of the Public Utilities Code is amended to read:

102100. Upon formation of the district as provided in Section 102052, the government of the district shall be vested in a board of directors consisting of not less than seven members nor more than 11 members who shall serve for two-year terms.

The first board of directors shall consist of seven members appointed within 30 days after the district is formed as provided in Section 102052. Four members of the first board of directors shall be appointed by the City Council of the City of Sacramento. Three members of the first board of directors shall be appointed by the Board of Supervisors of the County of Sacramento, unless, prior to the 30th day after the district is formed, the Board of Supervisors of Yolo County has adopted a resolution declaring there is a need for the district to operate, in which case, two members of the first board of directors shall be appointed by the Board of Supervisors of the County of Sacramento and one member of the first board of directors shall be appointed by the Board of Supervisors of Yolo County.

The number of the directors of the district shall be increased by the board, to a maximum number of 11, as may be necessary to provide that each city and county specifically named in Sections 102015 and 102016, which is receiving service from the district and is rendering tax or financial support to the district, shall have at least one appointment to the board.

The appointments to the board may be changed in the following manner. Not more often than every two years, the counties, for the unincorporated areas thereof, and the cities in which the district is providing service and in which the voters have authorized the district to operate and levy a tax within their boundaries or which are providing financial support to the district, may by agreement apportion the appointments to the board among them in the approximate ratio that the district provides transit service, as

determined by the gross cost of such service without regard to income or revenues of the district, within their respective boundaries. However, there shall be at least one appointment by each such city and county specifically named in Sections 102015 and 102016.

If the cities and counties are unable to agree upon such apportionment of the appointments to the board, the Sacramento Regional Area Planning Commission, upon request of any two of the cities and counties stating that such an agreement cannot be reached, shall make such apportionment of appointments as nearly as practicable in the approximate ratio that the district provides transit service, as determined by the gross cost of such service without regard to income or revenues of the district, within the boundaries of the cities and counties. However, there shall be at least one appointment by each such city and county specifically named in Sections 102015 and 102016.

SEC. 9. Section 102180 of the Public Utilities Code is amended to read:

102180. The power and duties of the general manager are:

(a) To head the administrative branch of the district and to be responsible to the board for the proper administration of all affairs of the district.

(b) To appoint, supervise, suspend, or remove district employees other than members of the board and officers appointed by the board.

(c) To supervise and direct the preparation of the annual budget for the board and be responsible for its administration after its adoption.

(d) To formulate and present to the board plans for transit facilities within the district and the means to finance them.

(e) To supervise the planning, acquisition, construction, maintenance, and operation of the transit facilities of the district.

(f) To attend all meetings of the board and act as the secretary to the board.

(g) To prepare and submit to the board, as soon as practicable after the end of each fiscal year, a complete report of the finances and administrative activities of the district for the preceding year.

(h) To perform such other and additional duties as the board may require.

SEC. 10. Section 102205 of the Public Utilities Code is amended to read:

102205. The district shall annually submit its tentative or proposed budget to the city council of each city and to the board of supervisors of each county in which the district is providing service, within the time and in the manner required in this section. The tentative or proposed budget shall be in sufficient detail so as to permit a city council or board of supervisors to reasonably ascertain matters relating to the service provided within its jurisdiction, such as projected cost of service and projected revenues from taxes, fares,

and other sources. The tentative or proposed budget shall be submitted to each city council and board of supervisors not less than 60 days prior to its adoption by the district. It shall be submitted for review and comment. The board of directors may adopt the budget after its submission to the city councils and boards of supervisors, but shall consider any comments made by them on the budget.

Prior to the adoption of the budget, the board shall make an affirmative finding that the proposed level of service, reflected in the statement of proposed operation and level of service, to be rendered in any city or county in which the district will operate, is commensurate with the level of tax or financial support to be derived from each such city or county in which the district will provide service. In determining the level of service, the board shall consider user benefits and community benefits, in terms of one or more of the following factors: availability of service, patronage, population, and capital improvements.

The board shall adopt its budget at a public hearing held after the submission of its tentative or proposed budget. Notice of the time and place of the hearing shall be published pursuant to Section 6061 of the Government Code and shall be made not later than the 15th day prior to the date of the hearing.

SEC. 11. Section 102331 of the Public Utilities Code is amended to read:

102331. In addition to revenues and receipts from other sources, the board may levy and collect a property tax. The board may impose different rates of taxation in areas within the district.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to resolve any question as to the date of the formation of the Sacramento Regional Transit District for purposes of the "Mills-Alquist-Deddeh Act," it is necessary that this act take effect immediately.

CHAPTER 190

An act to amend Section 12931 of the Insurance Code, relating to insurance.

[Approved by Governor June 27, 1972. Filed with
Secretary of State June 27, 1972.]

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

SECTION 1. Section 12931 of the Insurance Code is amended to read:

12931. (a) Service of legal process, notices or other papers

described in or referred to by Section 1452, 1605, 1610, 1612, 1659, 1660, 11104 or 11105 may be made upon the commissioner in the instances enumerated in this section and under the circumstances prescribed in this section by delivering to the commissioner or his deputy two copies thereof for each person or party defendant so served accompanied by payment of ten dollars (\$10) for each such person or party, and by complying with the other provisions of this section.

(b) The situations under which such service may be so made and the circumstances under which these provisions apply are:

(1) Where for any reason the person desiring to have service so made elects to serve the commissioner instead of the attorney-in-fact, as stipulated pursuant to Section 1323, of a reciprocal or interinsurance exchange, domestic, foreign, admitted or nonadmitted.

(2) Where service is to be made on an admitted foreign or alien insurer, when service cannot be made on the principal statutory agent of such insurer duly appointed pursuant to Article 3 (commencing with Section 1600) of Chapter 4 of Part 2 of Division 1 for reasons specified in Section 1604 or otherwise recognized by law.

(3) In actions against nonadmitted insurers, including nonadmitted fraternal benefit societies and reciprocals, under the circumstances described in Article 4 (commencing with Section 1610) of Chapter 4 of Part 2 of Division 1. This provision shall not apply to actions brought under insurance policies or certificates issued by nonadmitted insurers placed by surplus line brokers or special lines surplus line brokers where such insurance contract names a resident of this state as agent for service of process.

(4) In the instances described by Section 1659 relating to nonresident California licensed insurance agents and nonresident California licensed insurance brokers.

(5) In actions involving admitted and formerly admitted fraternal benefit societies as described in Section 11104.

(c) Upon receipt of two copies of the process, notice or papers to be served and the fee above prescribed, the commissioner shall promptly mail one of the copies by certified mail (or by registered mail if it is addressed to an area outside of the United States where certified mail service is not available) to the defendant or person to be served at his last principal place of business known to the commissioner by his official records in the case of a licensee; otherwise, in the case of a nonadmitted insurer, to its last principal place of business known to the commissioner from national directories or reference books or other reliable information available in the commissioner's office. He shall keep a record of all services made upon him pursuant to this section. The other copy of such process, notice or papers shall be retained among his official public records for a period not to exceed two years, absent special circumstances which in his judgment compel longer retention.

(d) Such service made in the manner provided for in this section is valid and sufficient and gives jurisdiction over the person of a nonadmitted or unauthorized defendant, provided notice of such service and a copy of the process, notice or papers being served are sent within 10 days thereafter by certified mail (or by registered mail if it is addressed to an area outside of the United States where certified mail service is not available) by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the receipt or the receipt of defendant's agent for such copy, showing the name of the sender and the name and address of the addressee-defendant thereon, and the affidavit of plaintiff or plaintiff's attorney showing compliance with this section, are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

In case of service made pursuant to this section upon a licensee of the commissioner required by law to keep his or its current business address or that of its agent for service of process on file with the commissioner, such service shall be valid if the commissioner mailed, postage prepaid, a copy of the process, notice or papers to the defendant or licensee intended to be served to his current address as shown by the commissioner's records, or in the case of an insurer, to its manager, president or secretary, and an affidavit of compliance by plaintiff or plaintiff's attorney at law is made and filed at the place and within the time mentioned in this subdivision.

(e) No plaintiff or complainant shall be entitled to a judgment by default in any such action, suit or proceeding in which service of process is effected in the manner provided in this section until the expiration of 30 days from the date on which the affidavit of compliance is filed.

(f) Nothing in this section shall limit or abridge the right to serve any process, notice, papers or demand upon any insurer in any other manner now or hereafter permitted by law.

CHAPTER 191

An act to add Section 767 to the Insurance Code, relating to insurance.

[Approved by Governor June 27, 1972. Filed with
Secretary of State June 27, 1972.]

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

SECTION 1. Section 767 is added to the Insurance Code, to read:
767. Notwithstanding any provision in this article to the contrary, it shall not be unlawful for any licensed insurance broker to pay a commission to an agent or broker licensed under the laws of Mexico

when such agent or broker in Mexico refers to the insurance broker licensed in this state a resident of Mexico who wishes to obtain a policy of automobile liability insurance to be effective in this state from an insurer licensed in this state, and such broker negotiates and effects such a policy of insurance for such resident of Mexico.

CHAPTER 192

An act to amend Section 11136 of the Insurance Code, relating to fraternal benefit societies.

[Approved by Governor June 27, 1972. Filed with Secretary of State June 27, 1972.]

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

SECTION 1. Section 11136 of the Insurance Code is amended to read:

11136. Such valuation shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the insurance supervisory official of the state of domicile of the society, and the legal minimum standard of valuation shall be as follows:

(a) All benefits promised by certificates issued prior to September 22, 1952, and the rates therefor shall be valued in accordance with the provisions of law applicable thereto as of the date of issuance, but not lower than the standards and interest assumptions used in the calculation of rates for such benefits.

(b) In the case of certificates issued after September 21, 1952, the minimum standard for the valuation of all such certificates shall be 3 percent interest, except in the case of certificates issued from January 1, 1972, through December 31, 1975, the minimum standard for the valuation of all such certificates may be 4 percent interest, and the following tables:

(i) For all ordinary certificates of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the American Men Ultimate Table of Mortality, with Bowerman's or Davis' Extension thereof, or, at the option of the society, the Commissioners 1941 Standard Ordinary Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age not more than three years younger than the actual age of the insured for female risks.

(ii) For all industrial life insurance certificates issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the 1941 Standard Industrial Mortality Table.

(iii) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates—the 1937 Standard Annuity Mortality Table or the Annuity Mortality Table for

1949 Ultimate, or any modification of either of these tables approved by the commissioner.

(iv) For disability benefits in or supplementary to ordinary certificates—Hunter's Disability Table or the Class 3 Disability Table (1926), modified to conform to the contractual waiting period, or the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries with due regard to the type of benefit. Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(v) For accidental death benefits in or supplementary to certificates—the Inter-Company Double Indemnity Mortality Table or the 1959 Accidental Death Benefits Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(vi) For temporary accident and health benefits in or supplementary to certificates—Class 3 Disability Table (1926) with Conference Modifications.

(vii) For life insurance issued upon the substandard basis and other special benefits—such tables as may be approved by the commissioner.

(c) The commissioner may, in his discretion, accept other standards for valuation if he finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard prescribed. Whenever the mortality experience under the certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three consecutive years, the commissioner may require additional reserves when in his judgment deemed necessary on account of such certificates.

(d) Notwithstanding the provisions of subdivisions (a) and (b), any society, with the consent of the insurance supervisory official of the state of domicile of the society, and under such conditions, if any, which he may impose, may establish and maintain reserves on its certificates in excess of the reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

CHAPTER 193

An act to add Section 1111.9 to the Education Code, relating to school district elections.

[Approved by Governor June 27, 1972 Filed with
Secretary of State June 27, 1972]

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

SECTION 1. Section 1111.9 is added to the Education Code, to read:

1111.9. The governing board of any school district having trustee areas and which elects more than one member from any of such trustee areas may, by resolution, provide for the staggering of terms of members elected from any of such multiple-member trustee areas.

The resolution shall provide that at the initial election after adoption of the resolution, one or more members elected from a trustee area will be elected for two-year terms and that one or more members elected from such trustee area will be elected for four-year terms, and that thereafter all members elected from such trustee area will be elected for four-year terms. Immediately after the initial election, the newly elected members from such trustee area shall draw lots to determine which of the members shall serve a two-year term and which of the members shall serve a four-year term.

CHAPTER 194

An act to amend Section 10172 of the Insurance Code, relating to insurance.

[Approved by Governor June 27, 1972. Filed with
Secretary of State June 27, 1972]

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

SECTION 1. Section 10172 of the Insurance Code is amended to read:

10172. Notwithstanding the provisions of Sections 5105 and 5125 of the Civil Code, when the proceeds of, or payments under, a life insurance policy become payable and the insurer makes payment thereof in accordance with the terms of the policy, or in accordance with the terms of any written assignment thereof if the policy has been assigned, such payment shall fully discharge the insurer from all claims under such policy unless, before such payment is made, the insurer has received, at its home office, written notice by or on behalf of some other person that such other person claims to be entitled to such payment or some interest in the policy.

CHAPTER 195

An act to add Section 31835.01 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 27, 1972. Filed with Secretary of State June 27, 1972.]

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

SECTION 1. Section 31835.01 is added to the Government Code, to read:

31835.01. Section 31835 shall be retroactively applied so as to extend the benefits thereof to every active and retired member and beneficiary who left county or district service prior to October 1, 1949, and subsequently redeposited his contributions in the system in respect to all payments for time after the effective date of his retirement and prior to the effective date of this section as well as to payments for time after the effective date of this section.

CHAPTER 196

An act to amend Sections 715 and 839.5 of the Insurance Code, relating to insurance.

[Approved by Governor June 27, 1972. Filed with Secretary of State June 27, 1972.]

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

SECTION 1. Section 715 of the Insurance Code is amended to read:

715. The commissioner shall have no authority to issue a certificate of authority, other than a renewal certificate of authority, to any domestic insurer, whether organized and promoted directly or by means of a holding company, where the commissioner's examination shows that the expense of organization and promotion, exclusive of attorney fees, accountant fees, and actuary fees, exceeds 12 percent of the total amount actually paid on its capital stock.

SEC. 2. Section 839.5 of the Insurance Code is amended to read:

839.5. The commissioner shall not issue a permit for the sale of any securities of a domestic insurer in any case where he finds that the expense of organization, exclusive of attorney fees, accountant fees, and actuary fees, will exceed 12 percent of the total amount actually paid for the capital stock.

CHAPTER 197

An act to add Section 22.5 to Chapter 523 of the Statutes of 1867-1868, relating to public lands.

[Approved by Governor June 27, 1972 Filed with
Secretary of State June 27, 1972.]

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

SECTION 1. Section 22.5 is added to Chapter 523 of the Statutes of 1867-1868, to read:

Section 22.5. Notwithstanding the provisions of Section 22 of this act, if the unincorporated town is situated adjacent to a state park, the superior judge, when fulfilling the duties imposed upon him by the Act of Congress aforesaid, and by this act, shall keep a correct account of all moneys received and paid out by him. He shall deposit all surplus moneys with the county treasurer of his county, and at the end of one year from the time when the town plat of any town shall be filed in the county recorder's office he shall settle up all the affairs pertaining to said town, and shall pay over to the county treasurer all moneys belonging to said town, for the use and benefit of either the school district or any public utility district in which said town may be situate, as provided in this section; provided, that if any claims to lands in such town shall be the subject of litigation, the same shall be finally settled by such superior judge, whenever the final decree of court shall be served upon him; and provided further, that such moneys shall be paid for the use and benefit of a public utility district only upon written petition to the superior judge signed by a majority of the owners of real property situate in said town. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be. No money shall be paid over to any school district or public utility district unless such district is operating a school or public utility facility within the town.

CHAPTER 198

An act to amend Sections 8597 and 8598 of the Government Code, and Section 830.5 of the Penal Code, relating to peace officers.

[Approved by Governor June 27, 1972. Filed with
Secretary of State June 27, 1972.]

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

SECTION 1. Section 8597 of the Government Code is amended to read:

8597. Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of such officers for all purposes as provided by Section 830.1 of the Penal Code, and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers:

(a) All members of the California Highway Patrol.

(b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(c) The State Forester and the classes of the Division of Forestry who are designated by the State Forester as having the powers of peace officers pursuant to Section 4156 of the Public Resources Code.

(d) All members of the California State Police Division.

(e) Peace officers who are state employees within the provisions of Section 830.5 of the Penal Code.

SEC. 2. Section 8598 of the Government Code is amended to read:

8598. Whenever a local emergency exists within a region or area of the state and the California Highway Patrol, the California State Police Division, or the Department of Corrections or the Department of the Youth Authority employing any peace officer within Section 830.5 of the Penal Code is requested by properly constituted local authorities to assist local law enforcement, the officers assigned to assist within the designated regions or areas shall have the full powers of peace officers within the meaning of Section 830.1 of the Penal Code and shall perform such duties and exercise such powers as are appropriate or as may be directed by their superior officers.

SEC. 3. Section 830.5 of the Penal Code is amended to read:

830.5. (a) Any parole officer of the State Department of Corrections, placement or parole officer of the Youth Authority, probation officer, or deputy probation officer is a peace officer. Except as otherwise provided in this subdivision, the authority of any such peace officer shall extend only (1) to conditions of parole or of probation by any person in this state on parole or probation; (2) to the escape of any inmate or ward from a state institution; (3) to the transportation of such persons; and (4) as provided in Section 8597 or 8598 of the Government Code, or when acting pursuant to Section 8617 of the Government Code. The authority of any parole officer of the State Department of Corrections shall further extend to violations of any penal provisions of law which are discovered in the course of and arise in connection with his employment.

(b) Any warden, superintendent, supervisor, or guard employed by the Department of Corrections, and any superintendent, assistant

superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority, and any transportation officer of the Department of the Youth Authority, is a peace officer. The authority of any such peace officer shall extend only (1) as is necessary for the purpose of carrying out the duties of his employment, and (2) as provided in Section 8597 or 8598 of the Government Code, or when acting pursuant to Section 8617 of the Government Code. When he is carrying out his duties, any such supervisor, guard, officer, or employee who is engaged in transportation of prisoners or apprehension of prisoners or wards who have escaped is a peace officer whether acting within or without this state.

(c) When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of firefighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

(d) Any peace officer under this section shall have the same status of a peace officer provided for in subdivision (a) or (b) of Section 830.2 for the purpose of obtaining any group insurance benefits available to such peace officers.

(e) Any peace officer under this section shall have the full powers and duties of a peace officer as provided by Section 830.1 when acting pursuant to Section 8617 of the Government Code.

CHAPTER 199

An act to amend Sections 22171, 22174, and 22177 of the Water Code, relating to irrigation districts.

[Approved by Governor June 27, 1972 Filed with
Secretary of State June 27, 1972.]

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

SECTION 1. Section 22171 of the Water Code is amended to read:
22171. The board may in its discretion by resolution call an election to be held in the entire district or only in that portion of the district proposed to be served to determine whether or not the district should provide for sewage disposal service. The ballots shall contain the following statement of the proposal:

“Shall the _____ Irrigation District provide for sewage

disposal, or acquire existing sewage disposal facilities, within that portion of its boundaries as hereinafter described not now provided with adequate sewage collection and disposal works." Notwithstanding the foregoing, the ballots of any district which is required to obtain the approval of the local agency formation commission before it may provide sewage disposal shall contain the following statement of the proposal:

"Shall the _____ Irrigation District provide for sewage disposal, or acquire existing sewage disposal facilities, within that portion of the district, and in the manner, set forth in the proposed application to the _____ Local Agency Formation Commission, dated _____, a copy of which application is on file in the office of the district."

Such proposal shall be followed by the words "Yes" and "No" on separate lines with a small enclosed space after each of the two words.

SEC. 2. Section 22174 of the Water Code is amended to read:

22174. Notice of the election shall specify the purpose of the election and the day, hours, and polling places in each precinct for holding the election, and shall be posted in three public places in each election precinct in the area of the district in which the election is to be held for at least 20 days and published in a newspaper published in the county once a week for at least three successive weeks.

SEC. 3. Section 22177 of the Water Code is amended to read:

22177. A district may charge reasonable connection charges to defray in whole or in part the cost of providing sewage disposal service and may levy and collect annual or semiannual charges to cover the cost of maintenance and operation of the sewage disposal system. Any charges authorized by this section shall be made only within the area to be served. If the sewage disposal service is provided to only a portion of the district, the area so served shall bear all costs of the maintenance, operation, and administration of such service.

CHAPTER 200

An act to amend Section 816 of the Insurance Code, relating to insurance.

[Approved by Governor June 27, 1972. Filed with
Secretary of State June 27, 1972.]

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

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

816. No insurer shall pay any person given discretion as to

settlement of claims under any policy of insurance, or surety bond, whether in direct negotiation with the claimant or in supervision of the person negotiating, a compensation which in any way is contingent upon the amount of settlement of such claims, except as in this section otherwise expressly provided.

This section shall apply equally to a single claim, a number of specified claims, an aggregate of claims during a specified period of time or an aggregate of claims under any contract, agreement or arrangement.

This section shall not affect the interpretation or provisions of Section 815.

The word "person" as used in this section includes, but is not limited to: employees, agents, brokers, representatives, general agents, managing general agents, surplus line brokers, insureds, coinsureds, adjusters and independent contractors but does not include attorneys in fact or other exclusive managers of an insurer.

This section does not apply to:

(a) Compensation of a producer, managing general agent, surplus line broker or general agent under any arrangement, agreement or contract whereby the producer or general agent is not granted discretion in the actual adjustment or settlement of any or all individual claims settled for an amount exceeding five hundred dollars (\$500).

(b) A producer, managing general agent, surplus line broker or general agent who is compensated by a contingent commission arrangement based wholly or partly on underwriting results, unless the arrangement guarantees an agreed return to the insurer which may exceed the underwriting profit actually earned by the insurer on business written through the producer, managing general agent, surplus line broker or general agent.

(c) Contracts of reinsurance between insurers.

(d) An arrangement, schedule of charges, agreement or contract, express or implied, for the adjustment of claims under which the compensation for the services of the person making the adjustment (exclusive of reimbursement for actual expenses) consistently increases, in reasonable brackets, as the amount paid in settlement of a claim increases.

An insurer which in any other jurisdiction is making payments which would be in violation of this section if made in respect to insurance business done in this state shall not be admitted to this state until it presents evidence satisfactory to the commissioner that it will not make such payments in this state and that it will within one year after admission to this state cease to make any such payments in any other jurisdiction and, within the same period, terminate any contract or arrangement under which such payments are to be paid. Failure to so cease such payments and to so terminate such contracts and arrangements within such period of one year shall constitute grounds for revocation of the insurer's certificate of authority.

CHAPTER 201

An act to add Section 25650.5 to the Vehicle Code, relating to vehicles.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 25650.5 is added to the Vehicle Code, to read: 25650.5. Every motorcycle manufactured and first registered on and after January 1, 1975, shall be equipped with at least one and not more than two headlamps which automatically turn on when the engine of the motorcycle is started and which remain lighted as long as the engine is running.

CHAPTER 202

An act to repeal and add Section 4580.5 to the Public Resources Code, relating to forest practices, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 4580.5 of the Public Resources Code is repealed.

SEC. 2. Section 4580.5 is added to the Public Resources Code, to read:

4580.5 The board, upon a finding of an emergency, may on its own motion adopt temporary forest practice rules necessary to protect the public interest and carry out the policy of the state as specified in this chapter, which rules shall be effective for a period not to exceed 180 days.

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

Provisions of law providing for the establishment of forest practice rules regulating timber operations have been judicially determined to be unconstitutional and void. As a result, timber operators are presently not subject to any state forest practice rules on private lands and can cut any and all timber of any size without restriction. In view of this emergency, it is essential to the public welfare that legislation be enacted at the earliest possible opportunity to provide for the regulation of timber operations and it is, thus, necessary for this act to take effect immediately.

CHAPTER 203

An act to amend Sections 24953, 25251, and 25252.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 24953 of the Vehicle Code is amended to read:

24953. (a) Any turn signal system used to give a signal of intention to turn right or left shall project a flashing white or amber light visible to the front and a flashing red or amber light visible to the rear.

(b) Side-mounted turn signal lamps of an approved type projecting a flashing amber light to either side may be used to supplement the front and rear turn signals. Side-mounted turn signal lamps mounted to the rear of the center of the vehicle may project a flashing red light no part of which shall be visible from the front.

(c) In addition to any required turn signal lamps, any vehicle may be equipped with supplemental rear turn signal lamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position.

SEC. 2. Section 25251 of the Vehicle Code is amended to read:

25251. (a) Flashing lights are permitted on vehicles as follows:

(1) To indicate an intention to turn or move to the right or left upon a roadway, turn signal lamps and turn signal exterior pilot indicator lamps and side lamps permitted under Section 25106 may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(2) When disabled upon the roadway or when disabled or parked off the roadway but within 10 feet thereof, turn signal lamps may be flashed as warning lights provided the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(3) For use on authorized emergency vehicles.

(b) Side lamps permitted under Section 25106 and used in conjunction with turn signal lamps may be flashed with the turn signals as part of the warning light system provided for in paragraph (2) of subdivision (a).

SEC. 3. Section 25252.5 of the Vehicle Code is amended to read:

25252.5. (a) Every authorized emergency vehicle may be equipped with a system which flashes the upper-beam headlamps of the vehicle with the flashes occurring alternately from the front

headlamp on one side of the vehicle to the front headlamp on the other side of the vehicle. The flashing of the headlamps shall consist only of upper-beam flashing, and not the flashing of any other light beam. Such system shall not be used during darkness, and shall be used as provided for in this section.

(b) "Upper-beam headlamp," as used in this section, means a headlamp or that part of a headlamp which projects a distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(c) The system provided for in subdivision (a) shall only be used when an authorized emergency vehicle is being operated pursuant to Section 21055.

(d) Any equipment used as part of the system permitted in subdivision (a) shall be of a type approved by the department.

CHAPTER 204

An act to amend Sections 69895 and 69900 of the Government Code, relating to court attachés.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

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

69895. In any county or city and county with a population of less than 850,000 but more than 710,000, as ascertained pursuant to Section 28020, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner pursuant to Section 69893. The salary of the executive officer shall be a minimum salary of two thousand two hundred twelve dollars (\$2,212) monthly during his first year of service, two thousand three hundred nineteen dollars (\$2,319) monthly during his second year of service, two thousand five hundred sixty dollars (\$2,560) during his third year of service, and two thousand six hundred seventy-seven dollars (\$2,677) monthly during his fourth year of service and thereafter.

In such a county or city and county, on the authorization of the judges, the executive officer shall have three administrative assistants who shall each receive a salary of one thousand four hundred two dollars (\$1,402) monthly during his first year of service, one thousand four hundred sixty-one dollars (\$1,461) monthly during his second year of service, one thousand five hundred forty-six dollars (\$1,546) monthly during his third year of service, and one thousand six hundred twenty-three dollars (\$1,623) monthly during his fourth

year of service and thereafter; and one criminal courts coordinator who shall be paid a minimum salary of one thousand two hundred ninety-six dollars (\$1,296) monthly during his first year of service, a salary of one thousand three hundred fifty-six dollars (\$1,356) monthly during his second year of service, a salary of one thousand four hundred twelve dollars (\$1,412) monthly during his third year of service, and a maximum salary of one thousand four hundred eighty-three dollars (\$1,483) monthly thereafter.

The increment shall be paid commencing on the first day of the month following the first, second, and third anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted at the 1971 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The administrative assistants shall assist also in the performance of the duties of jury commissioner. The salaries of the executive officer and administrative assistants and such assistants shall be paid by the county or city and county in which they serve.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

SEC. 2. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 710,000 and under 850,000, as determined by the 1970 federal census, a majority of the judges of the superior court may appoint the following employees, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3	Step 4
Eight judicial secretaries	\$803	\$823	\$860	\$903
One senior clerk	789	811	833	875
One junior clerk-typist.....	453	490	529	568
Two information clerks	677	694	734	770
One chief assistant				
calendar clerk.....	1,005	1,055	1,107	1,164
One chief calendar clerk.....	1,296	1,356	1,412	1,483
One domestic relations				
commissioner	1,461	1,509	1,583	1,662
Four deputy domestic				
relations commissioners	1,119	1,146	1,202	1,262
One counselor of				
conciliation	1,230	1,261	1,292	1,353
One counselor in mental				
health	1,370	1,439	1,511	1,587
Six court commissioners.....	1,939	1,986	2,085	2,189
Four assistant court				
commissioners	1,301	1,376	1,446	1,518
One traffic hearing				

officer	1,240	1,303	1,369	1,424
One administrative assistant (juvenile court)	1,210	1,253	1,316	1,383
Two court assistants	746	810	879	959
One clerk-typist	559	600	640	681
One civil courts coordinator	1,356	1,412	1,483	1,540
One pre-trial assistant and statistician	1,356	1,412	1,483	1,540
One administrative assistant to the master calendar judge (criminal division)	1,198	1,240	1,303	1,369

All figures in the above columns represent the salaries to be paid monthly to each of the employees so appointed. All original appointments shall be at step 1, provided that on the first of the month following the first anniversary of the employee's appointment he shall advance to the second step, and thereafter on the first of the month following the second anniversary of the employee's appointment he shall advance to step 3, and thereafter on the first of the month following the third anniversary of the employee's appointment he shall advance to step 4, and thereafter shall be paid at the rate established by step 4. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers and assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers and assistants and other employees may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire 60 days after the final adjournment of the next regular session of the Legislature unless ratified at such session.

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 205

An act to amend Sections 74502, 74503, 74504, and 74507 of the Government Code, relating to municipal courts.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

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

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand nine hundred ninety-nine dollars (\$1,999) monthly during the first year of service, a salary of two thousand one hundred dollars (\$2,100) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of two thousand two hundred seven dollars (\$2,207) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary provided in this section.

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

74503. (a) There shall be one chief deputy, who shall also serve as jury commissioner and who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a minimum salary of one thousand five hundred fifty-six dollars (\$1,556) monthly during the first year of service, a salary of one thousand six hundred thirty-four dollars (\$1,634) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand seven hundred sixteen dollars (\$1,716) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one chief deputy, who shall also serve as jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) Notwithstanding the provisions of Section 74507, the clerk

shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be the court systems coordinator, and who shall perform such duties as assigned by the clerk of the court and who shall be paid a minimum salary of one thousand four hundred seventeen dollars (\$1,417) monthly during the first year of service, a salary of one thousand four hundred eighty-five dollars (\$1,485) monthly after the first year of service commencing on the first day of the month following the anniversary of his appointment, and a maximum salary of one thousand five hundred fifty-four dollars (\$1,554) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one court systems coordinator, who shall hold such position at their pleasure and who shall perform such duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(c) Notwithstanding the provisions of Section 74507 of the Government Code, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and capable to perform the duties of class number 1656, as set forth in City and County of San Francisco class specifications on April 1, 1968, and who shall be paid a salary of one thousand four hundred seventeen dollars (\$1,417) monthly during the first year of service, a salary of one thousand four hundred eighty-five dollars (\$1,485) monthly during the second year of service, commencing on the first day of the month following the first anniversary of his appointment, and a salary of one thousand five hundred fifty-four dollars (\$1,554) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(d) The clerk shall appoint three deputy clerks who shall be the chief division clerks in the civil, criminal, and traffic departments of the court, and who shall be paid a minimum salary of one thousand four hundred seventeen dollars (\$1,417) monthly during the first year of service, a salary of one thousand four hundred eighty-five dollars (\$1,485) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand five hundred fifty-four dollars (\$1,554) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

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

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of one thousand two

hundred twenty-eight dollars (\$1,228) monthly during the first year of service, a salary of one thousand two hundred eighty-eight dollars (\$1,288) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand three hundred fifty-seven dollars (\$1,357) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-nine deputy clerks who shall be paid a minimum salary of one thousand thirty-two dollars (\$1,032) monthly during the first year of service, a salary of one thousand one hundred dollars (\$1,100) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand one hundred ninety dollars (\$1,190) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Twenty deputy clerks who shall be paid a minimum salary of eight hundred eighty-nine dollars (\$889) monthly during the first year of service, a salary of nine hundred twenty-one dollars (\$921) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of nine hundred fifty-seven dollars (\$957) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Nine deputy clerks who shall be paid a minimum salary of eight hundred twenty-five dollars (\$825) monthly during the first year of service, a salary of eight hundred forty-eight dollars (\$848) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred seventy-three dollars (\$873) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) Two deputy clerks who shall be paid a minimum salary of seven hundred seventy-nine dollars (\$779) monthly during the first year of service, a salary of eight hundred three dollars (\$803) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred twenty-three dollars (\$823) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Thirty-two deputy clerks who shall be paid a minimum salary of seven hundred fourteen dollars (\$714) monthly during the first year of service, a salary of seven hundred thirty-nine dollars (\$739) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of seven hundred sixty-seven dollars (\$767)

monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Forty-seven deputy clerks who shall be paid a minimum salary of five hundred sixty dollars (\$560) monthly during the first year of service, a salary of six hundred eleven dollars (\$611) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred seventy-nine dollars (\$679) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Three deputy clerk-information clerks who shall be paid a minimum salary of five hundred seventy dollars (\$570) monthly during the first year of service, a salary of six hundred fifty-six dollars (\$656) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred forty-two dollars (\$742) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs, after the effective date hereof, the clerk with the approval of the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint a deputy clerk-information clerk, who shall perform such duties as assigned by the clerk and who shall receive the salary hereinabove provided.

(i) One deputy clerk designated in Section 74504 and while assigned by the clerk of the court as administrative secretary to the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars (\$100) monthly.

(j) One deputy clerk designated in Section 74504 and while assigned by the clerk of the court as budget-purchasing deputy to the head accountant, accounting division, shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars (\$50) monthly.

(k) Two deputy clerks designated in Section 74504 who shall serve as master calendar clerk, civil, and master calendar clerk, criminal, and while assigned to such position by the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars (\$100) monthly.

SEC. 4. Section 74507 of the Government Code is amended to read:

74507. Whenever a position described in Sections 74503(d) to 74504, inclusive, becomes vacant, the appointing officer shall request the civil service commission to certify to him for appointment the highest person on the list of eligibles of male or female sex as indicated in the request of the appointing authority. Lists of eligibles for such promotive positions, subsequent to those lists in existence on September 19, 1947, shall be composed only of persons holding the

next lower rank or ranks of deputy clerks in such municipal courts. Monthly compensation shall determine that such deputy clerks are of the next lower rank or ranks. Temporary appointees shall receive the salary set up opposite the title of their respective positions. Temporary appointments to promotive positions shall be made from the next lower rank or ranks.

CHAPTER 206

An act to amend Sections 74002, 74003, 74004, and 74005 of the Government Code, relating to courts.

[Approved by Governor June 30, 1972 Filed with Secretary of State June 30, 1972]

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

SECTION 1. Section 74002 of the Government Code is amended to read:

74002. There shall be one clerk and administrative officer for each court who shall be appointed by, and serve at the pleasure of, a majority of the judges of the court, or in the case of an equal division of the court, the senior judge of the court, and who shall receive a biweekly salary as provided by the following range numbers of Section 74005:

For the North Orange County, Central Orange County, and West Orange County Municipal Courts	69
For the Orange County Harbor Municipal Court and South Orange County Municipal Court	67

SEC. 2. Section 74003 of the Government Code is amended to read:

74003. (a) There shall be one Marshal of the County of Orange appointed by, and serving at the pleasure of, a majority of the judges of the municipal courts in the county.

(b) A branch office of the Marshal of Orange County shall be maintained in each judicial district.

(c) Upon each occurrence of a vacancy of an inspector, the position shall cease to exist.

(e) In no event shall the compensation of the marshal be less than 13 ranges above that set for the position of lieutenant, marshal's office. In no event shall the compensation for the position of assistant marshal be less than nine ranges above that set for the position of lieutenant, marshal's office. In no event shall the compensation for the position of inspector be less than seven ranges above that set for the position of lieutenant, marshal's office.

(f) Notwithstanding the provisions of Section 31662.6, the marshal

of all municipal courts within the County of Orange who is a safety member, and all ex-marshals of a municipal court within the County of Orange who are reclassified to other positions within a marshal's office due to the establishment of one marshal for all the municipal courts within Orange County, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65, or at the expiration of the term to which he was elected, whichever term may be longer.

(g) The number of positions within each job classification which shall be appointed by the marshal and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification are shown in the table below:

Title of job classification	Applicable salary range number	Number of positions authorized
Marshal.....	76	1
Assistant marshal	72	1
Inspector marshal	70	1
Lieutenant, marshal's office	63	5
Sergeant, marshal's office	59	12
Deputy marshal II.....	51	42
Deputy marshal I	49	46
Chief clerk II, marshal's office	43	3
Chief clerk I, marshal's office	41	2
Secretary II	39	1
Clerk III, marshal's office	35	5
Clerk II, marshal's office	31	15
Clerk I, marshal's office.....	29	14

SEC. 3. Section 74004 of the Government Code is amended to read:

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and administrative officer, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, are shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
		NOC	COC	WOC	OCH	SOC
Appointed by the clerk and administrative officer:						
Chief deputy clerk II, municipal court.....	61	1	1	1	0	0
Chief deputy clerk I, municipal court.....	59	0	0	0	1	1
Division head II, municipal court.....	50	4	4	4	0	0
Division head I, municipal court.....	48	0	0	0	4	1
Accounting division head	43	1	1	1	1	0
Municipal court clerk	46	10	11	9	4	3
Deputy clerk V, municipal court.....	42	2	2	1	1	1
Deputy clerk IV, municipal court.....	37	1	0	0	0	1
Deputy clerk III, municipal court.....	35	7	7	6	3	3
Deputy clerk II, municipal court.....	31	12	13	13	6	4
Deputy clerk I, municipal court.....	29	27	26	25	15	11
Legal stenographer I.....	35	2	2	2	1	1
Secretary II	39	1	1	1	1	1
Systems and pro- cedures analyst II	59	0	1	0	0	0
Detention release officer	54	0	2	0	0	0
Data input operator	31 S/3	7	12	11	4	4
Interpreter	38	1	1	1	0	0
Supervising clerk I	39	1	1	1	1	0

(b) The Legislature finds and declares that the matter of appointing, promoting, demoting, and dismissing persons in positions with the municipal courts and all other aspects of the personnel management of municipal courts of Orange County is one for local concern. It further finds and declares that wherever possible such personnel management shall grant to persons in positions with the municipal courts equality of treatment with persons in positions with the County of Orange who are performing similar duties and who possess similar qualifications.

(c) To achieve the legislative intent expressed in subdivision (a),

the municipal courts of Orange County may create a personnel committee consisting of five judges selected one from each court by a majority vote of the judges of the respective courts, or where there is an equal division of the judges of a court, by the senior judge of that court. The personnel committee may adopt rules and regulations providing for a personnel system for all municipal courts of Orange County which shall provide for equal treatment concerning methods and conditions of employment for employees and attachés of the several courts and the marshal's office and which shall provide equal treatment for such employees as is provided for Orange County employees generally. In so providing for a personnel system, the judges may adopt all or any part of the personnel and salary resolution of the County of Orange.

(d) With the approval of the board of supervisors, the personnel system adopted by the personnel committee and made applicable to all the municipal courts of Orange County may be administered by the County of Orange through its personnel department. The board of supervisors may withdraw its approval at any time.

(e) If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, a majority of the judges of any of the courts, with the approval of the board of supervisors, may establish additional titles, pay rates, and positions as they deem necessary for the performance of the duties and exercise of the powers conferred by law upon the courts. Rates of compensation of all officers, attachés, and employees may be adjusted by joint action and approval of the board of supervisors and a majority of the municipal court judges of Orange County. The establishment of additional titles, positions, and pay rates and changes in compensation made pursuant to this subdivision shall be on an interim basis and shall expire 90 days after adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not intended to affect the application of Section 72150.

SEC. 4. Section 74005 of the Government Code is amended to read:

74005. The schedule of biweekly salary ranges referred to in Sections 74002, 74003, and 74004 are those ranges set forth in the 1971-72 Personnel and Salary Resolution adopted by the Orange County Board of Supervisors.

Notwithstanding any other provisions of law, the salaries of municipal court officers, attachés, and employees may upon the joint approval of the personnel committee and the board of supervisors be increased or decreased in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the Orange County classified service as the comparability is determined jointly

by the personnel committee and the board of supervisors, except that any such increase or decrease shall be effective only until the 91st day after the adjournment of the next regular session of the Legislature.

In the event that the board of supervisors adopts a revised salary schedule for county employees, the board shall confer with the personnel committee, and if both are agreed that the new schedule shall apply also to the officers, attachés, and employees of the municipal courts and marshal's office, the revised salary schedule shall apply equally to the officers, attachés, and employees of municipal courts and marshal's office in the same manner and date as for county employees, except that any such salary adjustment shall only be effective until the 91st day following the next regular session of the Legislature.

CHAPTER 207

An act relating to the establishment of a school of veterinary medicine at a campus of the University of California in southern California.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. It is the intent of the Legislature to provide funds for the establishment of a school of veterinary medicine at a campus of the University of California in southern California.

CHAPTER 208

An act to amend Section 21113 of the Vehicle Code, relating to traffic regulations.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, unit of the state park system, county park, or municipal airport or any state,

county, or hospital district institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of the public school, state university, state college, county park, municipal airport, or state, county, or hospital district institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

SEC. 2. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, or rapid transit district or any state, county, or hospital district institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, or state, county, or hospital district institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 712 are both chaptered and amend Section 21113 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 712, that the amendments to Section 21113 proposed by both bills be given effect and incorporated in Section 21113 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 712 are both chaptered, both amend Section 21113, and Assembly Bill No. 712 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 209

An act to amend Sections 21554 and 26078 of, and to add Section 21555.5 to, the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 21554 of the Water Code is amended to read: 21554. The board shall submit at a general district election or at a special election a proposal for a change in the number of divisions or the method of electing directors or both when either:

(a) At least 120 days before the general district election a petition for the submission of a proposal therefor set forth in the petition, signed by at least 500 holders of title to land who are also the holders of title to at least 20 percent in value of all of the land, is filed in the district office.

(b) At least 90 days before the general district election the board adopts a resolution for the submission of a proposal therefor set forth in the resolution.

(c) The board by resolution calls a special election to be held in the district for submission of a proposal therefor set forth in the resolution.

SEC. 2. Section 21555.5 is added to the Water Code, to read:

21555.5. (a) Notice of a special election called pursuant to Section 21554 shall specify the purpose of the election and the day, hours, and polling places in each precinct for holding the election, and shall be posted in three public places in each election precinct in the district for at least 20 days and published in a newspaper published in the county once a week for at least three successive weeks.

(b) The election shall be held and the result determined and declared as nearly as practicable in conformity with general district elections.

SEC. 3. Section 26078 of the Water Code is amended to read:

26078. Upon the assessment, if not payable in installments, or the second installment of it, if payable in installments, becoming delinquent, the collector shall collect, in addition to the assessments due on the delinquent list and the penalties added, costs in the sum of one dollar (\$1) on each parcel of land separately assessed, and may collect costs of publication of the list of delinquencies and notice as required by Section 26105.

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

In order to permit irrigation districts to comply with local and federal court decisions requiring compliance with the one man one vote standard, it is necessary that the districts be authorized to vote on the method of electing directors as soon as possible. In order to permit such compliance at the earliest possible time, it is necessary that this act go into immediate effect. In addition, the earliest date for publication of the list of delinquencies is July 1st, and such publication must be completed by September 1st. The preservation of the public peace and safety require that the collection by irrigation districts of such costs of publication be made discretionary.

CHAPTER 210

An act to repeal Section 21605 of the Public Utilities Code, relating to aviation.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 21605 of the Public Utilities Code is repealed.

CHAPTER 211

An act to amend Section 13085 of the Education Code, relating to public school employees.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 13085 of the Education Code, as amended by Chapter 1179 of the Statutes of 1971, is amended to read:

13085. A public school employer, or such representatives as it may designate who may, but need not be, subject to either certification requirements or requirements for classified employees as set forth in this code, shall meet and confer with representatives of certificated and classified employee organizations upon request with regard to all matters relating to employment conditions and employer-employee relations, and in addition, shall meet and confer with representatives of employee organizations representing certificated employees upon request with regard to procedures relating to the definition of educational objectives, the determination of the content of courses and curricula, the selection of textbooks, and other aspects of the instructional program to the extent such matters are within the discretion of the public school employer or governing board under the law.

In meeting and conferring, the scope of matters proposed by any certificated employee, certificated employee organization, or certificated employee council shall be limited to matters directly relating to certificated employees, unless such proposals have first been submitted to the appropriate classified employee organization or organizations, representing such employees in order to provide them with an opportunity to present their opinions with respect to such proposals to the public school employer. In the event that a disagreement arises as to whether or not any particular matter is directly related to certificated employees, the public school employer shall resolve the disagreement.

In meeting and conferring, the scope of matters proposed by any classified employee or classified employee organization shall be limited to matters directly relating to classified employees, unless such proposals have first been submitted to the appropriate certificated employee organization or organizations or the certificated employee council, as the case may be, representing such employees in order to provide them with an opportunity to present their opinions with respect to such proposals to the public school employer.

In the event that a disagreement arises as to whether or not any particular matter is directly related to classified employees, the public school employer shall resolve the disagreement.

The designation of representatives as provided herein shall not preclude an employee organization from meeting with, appearing before, or making proposals to the public school employer at a public meeting if the employee organization requests such a public meeting.

Notwithstanding the provisions of Sections 13082 and 13083, in the event there is more than one employee organization representing certificated employees, the public school employer shall meet and confer with the representatives of such employee organizations through a certificated employee council with regard to the matters

specified in this section, provided that nothing herein shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer.

Notwithstanding the provisions of Sections 13082 and 13083, and of subdivision (b) of Section 13081, in the event that there is in a county more than one employee organization representing certificated employees of either the county superintendent of schools or the county board of education or of both the county superintendent of schools and the county board of education, all such employee organizations shall be represented by a single certificated employee council and the county board of education shall be deemed, for the purposes of meeting and conferring pursuant to this chapter, the public school employer of all such employees and shall meet and confer with the representatives of such employee organizations through the single certificated employee council with regard to all matters specified in this section, provided that nothing herein shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer.

The certificated employee council shall have not more than nine nor less than five members and shall be composed of representatives of those employee organizations who are entitled to representation on the certificated employee council. An employee organization representing certificated employees shall be entitled to appoint such number of members of the certificated employee council as bears as nearly as practicable the same ratio to the total number of members of the certificated employee council as the number of members of the employee organization bears to the total number of certificated employees of the public school employer who are members of employee organizations representing certificated employees. Each employee organization shall adopt procedures for selecting its proportionate share of members of the certificated employee council, provided that such members shall be selected no later than October 31 of each school year. Within 10 days after October 31, the members of the certificated employee council shall meet and select a chairman, and thereafter such certificated employee council shall be legally constituted to meet and confer as provided for by the provisions of this article. Employee organizations shall exercise the rights given by Section 13083 through the certificated employee council provided for in this section.

CHAPTER 212

An act to amend Section 15 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), relating to the Crestline-Lake Arrowhead Water Agency.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 15 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 15. All powers, privileges and duties vested in or imposed upon the Crestline-Lake Arrowhead Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby and by the board of directors acting hereunder.

The board of directors shall have all of the following powers:

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

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

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

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

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

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

(7) To prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials, or supplies, necessary or convenient for carrying out any of the purposes of this act or for the acquisition or disposal of any real or personal property; provided, that all contracts for the construction of any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars (\$5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract

shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars (\$5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property, the board may have the work done by force account without advertising for bids. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds five thousand dollars (\$5,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

(8) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation fixed by the board under the provisions of Section 32 or 33 hereof, shall be deemed to be a rate for a different class or condition of service.

CHAPTER 213

An act to amend Sections 5, 15, and 30 of, the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to the Humboldt Bay Harbor, Recreation, and Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 5 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 5. The territory to be embraced in the district shall include all of the incorporated areas of the Cities of Arcata and Eureka, and such incorporated and unincorporated territory in the county as is approved by the Local Agency Formation Commission, and the Board of Supervisors of the County of Humboldt, and by the voters of the proposed district at a district formation election.

SEC. 2. Section 15 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 15. Each member of the board shall be elected by the division which he represents.

SEC. 3. Section 30 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 30. The district may exercise the power of eminent domain to acquire, enhance, or improve lands within its jurisdiction as set forth in Section 5.5, and may exercise the power of eminent domain to acquire lands immediately contiguous to lands subject to its jurisdiction as set forth in Section 5.5 as of November 23, 1970, or for the purpose of acquiring rights-of-way to lands within such jurisdiction in the manner provided by law for the condemnation of private property for public use and take any property necessary or convenient for the purposes specified in this act. In the proceedings relative to the exercise of such power the district has the same rights, powers, and privileges as a municipal corporation.

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

Neither the Board of Pilot Commissioners for Humboldt Bay nor the Board of Harbor Commissions for Humboldt is still in existence. The authority to regulate and control the pilotage and towing of all vessels in Humboldt Bay is vested in the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District,

but such district is not yet in existence. The provisions of this act are necessary in order to enable the district formation election to be held in November 1972. In order, therefore, to provide for the proper regulation and control of the pilotage and towing of vessels on Humboldt Bay at the earliest possible time, and in particular to permit the district formation election to be held this year, it is necessary that this act go into immediate effect.

CHAPTER 214

An act to amend Section 10177.1 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 10177.1 of the Business and Professions Code is amended to read:

10177.1. The commissioner may, without a hearing, suspend the license of any person who procured the issuance of the license to himself by fraud, misrepresentation, deceit, or by the making of any material misstatement of fact in his application for such license.

The power of the commissioner under this section to order a suspension of a license shall expire 90 days after the date of issuance of said license and the suspension itself shall remain in effect only until the effective date of a decision of the commissioner after a hearing conducted pursuant to Section 10100 and the provisions of this section.

A statement of issues as defined in Section 11504 of the Government Code shall be filed and served upon the respondent with the order of suspension. Service by certified or registered mail directed to the respondent's current address of record on file with the commissioner shall be effective service.

The respondent shall have 30 days after service of the order of suspension and statement of issues in which to file with the commissioner a written request for hearing on the statement of issues filed against him. The commissioner shall hold a hearing within 30 days after receipt of the request therefor unless the respondent shall request or agree to a continuance thereof. If a hearing is not commenced within 30 days after receipt of the request for hearing or on the date to which continued with the agreement of respondent, or if the decision of the commissioner is not rendered within 30 days after completion of the hearing, the order of suspension shall be vacated and set aside.

A hearing conducted under this section shall in all respects, except as otherwise expressly provided herein, conform to the substantive

and procedural provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code applicable to a hearing on a statement of issues.

CHAPTER 215

An act to amend Sections 11106, 11507, 11719, and 11802 of the Vehicle Code, relating to occupational licensing.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 11106 of the Vehicle Code is amended to read:

11106. Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue to any person applying for an instructor's or driving school license a temporary permit. The temporary permit shall permit the operation of a driving school or the giving of instructions for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to the license. The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

SEC. 2. Section 11507 of the Vehicle Code is amended to read:

11507. Pending the satisfaction of the department that the applicant has met the requirements under this code, it may issue a temporary permit to any person applying for an automobile dismantler license and special plates. The temporary permit shall permit the operation by the automobile dismantler for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualification of the applicant to such license and special plates. The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license and special plates have been issued or refused.

SEC. 3. Section 11719 of the Vehicle Code is amended to read:

11719. Pending the satisfaction of the department that the applicant has met the requirements under this article, it may issue a temporary permit to any person applying for a manufacturer's,

transporter's or dealer's license and special plates. The temporary permit shall permit the operation by the manufacturer, transporter or dealer for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such license and special plates. The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

SEC. 4. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of *nolo contendere*, involving moral turpitude shall be *prima facie* evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code.

7. The applicant or licensee has committed any of those acts prohibited by Section 11806 of this article.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

10. The applicant or licensee has knowingly purchased, sold or

otherwise acquired or disposed of a stolen motor vehicle.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 5. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of *nolo contendere*, involving moral turpitude shall be *prima facie* evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the

department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code.

7. The applicant or licensee has committed any of those acts prohibited by Section 11806 of this article.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

10. The applicant or licensee has knowingly purchased, sold or otherwise acquired or disposed of a stolen motor vehicle.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. If the department determines to its satisfaction that the temporary permit was issued upon a fraudulent application, the department may cancel the temporary permit and such cancellation shall be effective immediately. The department may also cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error and such cancellation shall be effective immediately. If however, the department determines that the information in the application is correct and complete, such temporary permit shall be invalid when the applicant's license has been issued or refused unless within five days of receipt of a notice of refusal and statement of issues the applicant demands a hearing pursuant to subdivision (b) of Section 11803. The filing of a demand for a hearing shall stay the effective date of the invalidation of the temporary permit pending a hearing and a determination of the issues. The notice of refusal shall be made effective not less than five days after its receipt by the applicant.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 743 are both chaptered and amend Section 11802 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 743, that the amendments to Section 11802 proposed by both bills be given effect and incorporated in Section 11802 in the form set forth in Section 5 of this act. Therefore, Section 5 of this act shall become operative only if this bill and Senate Bill No. 743 are both chaptered, both amend Section 11802, and Senate Bill No. 743 is chaptered before this bill, in which case Section 4 of this act shall not become operative.

CHAPTER 216

An act to amend Section 2924.5 of the Civil Code, relating to mortgages and deeds of trust, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 2924.5 of the Civil Code is amended to read:
2924.5. No clause in any deed of trust or mortgage on property containing four or fewer residential units or on which four or fewer residential units are to be constructed or in any obligation secured by any deed of trust or mortgage on property containing four or fewer residential units or on which four or fewer residential units are to be constructed that provides for the acceleration of the due date of the obligation upon the sale, conveyance, alienation, lease, succession, assignment or other transfer of the property subject to the deed of trust or mortgage shall be valid unless the clause is set forth, in its entirety in both the body of the deed of trust or mortgage and the promissory note or other document evidencing the secured obligation. This section shall apply to all such deeds of trust, mortgages, and obligations secured thereby executed on or after July 1, 1972.

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

A question has arisen as to the meaning of Section 2924.5 of the Civil Code, as added by Chapter 429 of the 1971 statutes. In order that there be no confusion when Section 2924.5 becomes operative on July 1, 1972, it is necessary that the clarification made by this act take effect immediately.

CHAPTER 217

An act relating to duplication of property taxes to finance fire protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. It has come to the attention of the Legislature that some cities have failed to adopt a timely resolution to exempt property within the city from county taxes levied to finance fire protection, since the city tax rate provides for such protection, or having adopted such a resolution in a timely fashion, the city failed to file such resolution with the county within the time prescribed by law. County taxes levied to finance fire protection are, for the purposes of this act, defined as all costs relating to fire protection except for the costs of forest, range, and watershed fire protection within state responsibility areas as defined in Part 2 (commencing with Section 4101) of Division 4 of the Public Resources Code, for which the county is not reimbursed by the state. It has further come to the attention of the Legislature that existing laws for the remedy of such errors could result in costs to the cities which would be disproportionate to any relief afforded.

SEC. 2. If the legislative body of any city determines that the property within the city has been taxed twice for fire protection services in the manner described in Section 1 of this act, it shall, by resolution, make such a finding and request the board of supervisors of the county in which the city is located to refund to the city all such taxes which have been collected. The legislative body shall cause a certified copy of such resolution to be transmitted to the board of supervisors.

SEC. 3. Upon receipt of a certified copy of such a resolution, the board of supervisors shall ascertain the amount of taxes levied and collected by the county for fire protection services by the tax code areas within said city. The board of supervisors shall, by resolution, appropriate and pay to the city all of such tax moneys levied and collected. The county may elect to make such payment in two equal portions during the two fiscal years following the fiscal year in which said city resolution is received by the county, or it may make the entire payment in the fiscal year immediately following receipt of the resolution.

SEC. 4. If a county pays funds to a city as provided in Section 3 of this act, the county may impose for one or more fiscal years an additional tax on all property on which county taxes are levied to finance fire protection, as defined in Section 1, are imposed. Such additional tax shall be levied and collected in all respects as a county tax.

SEC. 5. This act shall only be operative as to taxes levied and collected on secured property within the city for the fiscal year 1971-1972 and on unsecured property within the city for the fiscal year 1972-1973. This act is an alternative to any other provisions of law providing for repayment of property taxes to finance fire protection.

SEC. 6. This act shall only apply to cities within counties of the 10th class.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain cities have failed to file with the board of supervisors the resolution required by Section 95643 of the Government Code, and as a result property taxes have been levied twice for fire protection services. Existing laws for the remedy of such errors could result in the costs to the cities of making refunds being a great portion of the funds to be reimbursed, and financial hardship can result to the cities and their taxpayers unless this act is given immediate effect. Therefore, it is necessary that this act take effect immediately.

CHAPTER 218

An act to amend Sections 71254 and 71540 of the Water Code, relating to municipal water districts.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 71254 of the Water Code is amended to read:
71254. Whenever a vacancy occurs in the office of director the remaining directors shall, within 60 days after the vacancy occurs appoint, by a majority vote of the remaining directors, a qualified person, who shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred to hold office for the remainder of the unexpired term, or adopt a resolution by which a special election shall be called and held in the division affected, for the purpose of filling such vacancy. Such special election shall be conducted in the manner provided for in Section 71505. In the event there are more than two candidates at such special election, only a plurality will be required for election. The candidate elected at such special election shall fill the unexpired term of the vacating director.

SEC. 2. Section 71540 of the Water Code is amended to read:
71540. Whenever a sufficient change in the population occurs in a district after its organization which makes it desirable in the

opinion of the board to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from the district, the board shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the board may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office.

CHAPTER 219

*An act to amend Section 112 of the Code of Civil Procedure,
relating to justice courts.*

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 112 of the Code of Civil Procedure is amended to read:

112. Justice courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars (\$1,000) or less, except cases at law which involve the title or possession of real estate or the legality of any tax, impost, assessment, toll or municipal fine, except such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant;

(b) In all proceedings in forcible entry, or forcible or unlawful detainer where the rental value is three hundred dollars (\$300) or less per month, and where the whole amount of damages claimed is one thousand dollars (\$1,000) or less, and in such proceedings any competent evidence may be given and any question properly involved therein may be determined;

(c) In all cases to enforce and foreclose liens on personal property where the amount of such liens is one thousand dollars (\$1,000) or less;

(d) To charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendment thereof, to determine title to personal property, seized in an action pending in, or upon execution issued by, such court; to

appoint receivers in the cases mentioned in Section 547a of this code, or any amendment thereof, and to make all orders and perform all acts mentioned in said sections in connection with such cases.

(e) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed adversely is of a value not exceeding one thousand dollars (\$1,000) or the debt denied does not exceed one thousand dollars (\$1,000).

CHAPTER 220

An act to authorize the transfer of lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. The Department of General Services, with the approval of the Military Department of the State of California, is hereby authorized to exchange the land known as the parking lot site of the armory located at 612 East Warren Avenue, Santa Ana for the land of the Santa Ana Unified School District known as the parking lot adjacent to and east of the armory and a portion of the Monroe Elementary School site adjacent to and west of the armory on such terms and conditions as the Director of General Services determines are in the best interests of the state, subject to the condition that the land received by the Military Department of the State of California has a value equal to or greater than the land for which it is exchanged.

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

The Santa Ana Unified School District plans to rebuild an elementary school on the exchanged property and in order to conserve building funds, they plan to incorporate this project with another construction project within their district. In order to accomplish such incorporation, it is essential that this act take immediate effect.

CHAPTER 221

An act to amend Section 873 of, and to add Section 673 to, the Education Code, and to amend Sections 31595, 31601, 31603, 31604, 31606 and 31607 of the Government Code, relating to county boards of education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 673 is added to the Education Code, to read:
673. A county board of education to which functions and duties under this article have been transferred may enter into agreements for the acquisition of real property or improvements as authorized by the County Employees Retirement Law of 1937.

SEC. 1.5. Section 873 of the Education Code is amended to read:
873. County employees assigned to the office of the county superintendent of schools shall cease to be employees of the county upon the establishment of a separate budget for the office of the county superintendent of schools, and shall thereafter be paid from the county school service fund. Other county employees assigned to functions transferred to the county board of education pursuant to Article 2.5 (commencing with Section 671) of Chapter 1 of this division shall cease to be employees of the county upon the effective date of such transfer, and shall thereafter be paid from the county school service fund.

SEC. 2. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in the state or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this state wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of

public funds in banks.

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this state.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county of this state and subject to the limitations of this article, except as provided by Section 31595.6.

(f) Deeds of trust and mortgages. Not to exceed 25 percent of all funds invested may be invested pursuant to this subdivision. Such investment may be made by the board with the approval of the board of supervisors of said county.

(g) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county board of education to whom the provisions of Chapter 2 (commencing at Section 20400), Division 15 of the Education Code have become applicable and to whom the board of supervisors has transferred the duty and function of providing housing for all the services of the county superintendent of schools as authorized by Section 671 of the Education Code and subject to the limitations of this article.

SEC. 3. Section 31601 of the Government Code is amended to read:

31601. No investment shall be made in real property unless it is approved by unanimous vote of the board and, if the investment is authorized by subdivision (e) of Section 31595, by a four-fifths vote of the members of the board of supervisors of the county in which the system is established or, if the investment is authorized by subdivision (g) of Section 31595, by a four-fifths vote of the members of the county board of education of the county in which the system is established.

SEC. 4. Section 31603 of the Government Code is amended to read:

31603. Except for investments in real estate and leases thereof, and improvements thereon as authorized by Section 31595.6, before an investment is made in real property the board and, if the investment is authorized by subdivision (e) of Section 31595, the board of supervisors of the county in which the system is established or, if the investment is authorized by subdivision (g) of Section 31595, the county board of education of the county in which the system is established shall each appoint an appraiser who shall examine the property or the plans and specifications of any building proposed to be erected and who shall determine whether the project in his opinion will have a fair rental value sufficient to return the investment together with interest at a rate $\frac{1}{4}$ percent higher than the rate fixed by Section 31591 of this code (or in the event a different rate has been determined by the board then $\frac{1}{4}$ percent higher than

the rate so determined at the time the appraisal is made) over a period not to exceed 50 years, which appraisal shall specify the shortest period of lease in which in the opinion of the appraiser such investment and interest will be returned.

SEC. 5. Section 31604 of the Government Code is amended to read:

31604. Except for investments in real estate and leases thereof, and improvements thereon as authorized by Section 31595.6, before an investment is made in real property the board shall enter into a lease or lease option agreement with the county in which the retirement system is established, as lessee, if the investment is authorized by subdivision (e) of Section 31595 or with the county board of education of the county in which the retirement system is established, as lessee, if the investment is authorized by subdivision (g) of Section 31595 under which the lessee agrees to rent the property at a monthly rental and for a period, not to exceed 50 years, sufficient to return not less than the investment together with interest at the rate prescribed in Section 31603. The agreement may contain an option or options to purchase provided such option together with the rentals will return not less than the investment together with interest at a rate at least equal to the lesser of the following: (1) $\frac{3}{4}$ percent higher than the rate fixed by Section 31591 of this code or in the event a different rate has been determined by the board then $\frac{3}{4}$ percent higher than the rate so determined at the time the agreement is made or (2) $\frac{3}{4}$ percent higher than the current yield on long-term United States government bonds as such yield is defined in Section 31604.1. In the event a building is built on land owned by the lessee the agreement may contain an option to purchase the land at any time or at the termination of the lease at its then fair market value.

SEC. 6. Section 31606 of the Government Code is amended to read:

31606. In order to make the provisions of this article relating to the investment of retirement funds completely effective, the board of supervisors of the county in which the retirement system is established if the investment is authorized by subdivision (e) of Section 31595 or the county board of education of the county in which the retirement system is established if the investment is authorized by subdivision (g) of Section 31595 is authorized, subject only to the limitations of this article, to lease or purchase or enter into options to purchase real property in which retirement funds have been or are being invested and to sell or give an option to sell real property to the board. It may also take any other action necessary to carry out the investment provisions of this article.

SEC. 7. Section 31607 of the Government Code is amended to read:

31607. To assist in carrying out the real property investment provisions of this article the board may employ legal counsel provided the compensation therefor is first approved by the board

of supervisors of the county in which the retirement system is established and such compensation shall be a legal charge against the county if the investment is authorized by subdivision (e) of Section 31595 or against the county school service fund if the investment is authorized by subdivision (g) of Section 31595.

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

It is in the best interest of the people of the State of California that upon the transfer of functions to the county board of education, county employees theretofore assigned to such functions may be retained in such positions on and after such transfer as employees paid from the county school service fund. In order to permit transfers of functions to become effective July 1, 1972, without such county employees incurring loss of accrued employee benefits, it is necessary that this act take effect immediately.

CHAPTER 222

An act to add Sections 41, 42, and 43 to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 41 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 41. (a) (1) Any portion of the agency, whether contiguous or not to an improvement district thereof, may be annexed to such improvement district in the manner provided in this section.

(2) Annexation proceedings may be initiated by petition. A petition, which may consist of any number of separate instruments, shall be filed with the secretary.

(3) The petition shall be signed by owners of not less than one-half of the value of the property within the area proposed to be annexed, as shown by the last equalized assessment rate of the county.

(4) The petition for annexation shall contain all of the following:

(i) A description of the area proposed to be annexed. Such description may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or may be made in any other definite manner.

(ii) The terms and conditions upon which the proposed area may be annexed as theretofore determined by resolution of the board.

(iii) A prayer that the board declare such area to be annexed to the improvement district.

(5) The petition for annexation shall be accompanied by a certified check payable to the order of the agency in a sufficient amount to reimburse the agency for the expenses of processing and publishing the petition and preparing and making the filings required by law.

(6) Within 10 days of the date of the filing of the petition for annexation, the secretary shall examine the petition and determine whether it is signed by the required number of property owners. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation.

(7) When the secretary has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

(8) If the secretary finds from the examination that the petition for annexation is signed by the requisite number of property owners he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

(9) If the secretary certifies in his certificate that the petition for annexation is insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

(10) Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in paragraph (6) to (8), inclusive, of this subdivision.

(11) After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for annexation is sufficient, the secretary shall cause notice of hearing on the petition to be published and posted without delay.

(12) In the event the petition for annexation is signed by all of the owners of property in the area proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this subdivision.

(13) The text of the petition for annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time at which it is to be presented to the board, in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, together with a notice stating the time and place of the meeting at which the petition will be presented. If the petition is contained upon one or more instruments, only one copy of the petition need be published.

(14) No more than five of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

(15) The petition and notice shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

(16) The board shall proceed to hear the petition at the time and place fixed therefor, and any person residing within the agency or improvement district or owning taxable property in the agency or improvement district may appear and be heard at such hearing. Such hearing may be continued from time to time by the board.

(17) At the conclusion of the hearing, if the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve the annexation.

The resolution shall describe the annexed territory, which may be made by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area, or may be made in any other definite manner. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

(18) From and after the date of the adoption of the resolution approving the annexation, the area named therein is added to and forms a part of the improvement district.

(19) The taxable property, other than personal property, in the annexed areas shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation. If the terms and conditions established by the board specifically so provide, the taxable property, other than personal property, in the annexed area shall be subject to taxation as if the annexed property had always been a part of the improvement district.

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

(21) Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this subdivision is contested, questioned, or denied shall be commenced within three months after the date of the resolution approving such annexation; otherwise the annexation shall be held to be valid and in every respect legal and incontestable.

(b) (1) The board, by resolution, may initiate proceedings for the annexation of territory within the agency whether contiguous or not to an improvement district to such improvement district.

(2) The resolution proposing annexation shall:

(i) Declare that proceedings have been initiated by the board pursuant to this subdivision.

(ii) State the reason for proposing the annexation.

(iii) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(iv) State the terms and conditions of the annexation.

(v) State that the owners of property in the area proposed to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(vi) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

(3) The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

(4) A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

(5) The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

(6) If written protests are filed by the owners of one-half of the value of the property within the area to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

(7) If written protest is not made by the owners of one-half of the value of the property within the area proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the area annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

(8) If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

(9) From and after the date of the adoption of the resolution

approving the annexation, the area described therein is added to and forms a part of the improvement district.

(10) The taxable property, other than personal property, in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation. If the terms and conditions established by the board specifically so provide, the taxable property, other than personal property, in the annexed area shall be subject to taxation as if the annexed property had always been a part of the improvement district.

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

(12) Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

SEC. 2. Section 42 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 42. (a) Proceedings to exclude territory from an improvement district formed pursuant to Section 40 may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded, which states reasons such exclusion will be beneficial to the agency or the improvement district or the territory to be excluded.

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

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

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

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

(c) The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in the improvement district, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

(d) The resolution of intention shall also state:

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

(2) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district, will be heard.

(e) Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

(f) At the time and place so fixed in the resolution of intention to exclude, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the agency, or in the improvement district, may appear and present any matters material to the questions set forth in the resolution of intention to exclude.

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

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

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

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

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

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

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

(k) Any action or proceeding in which the validity of the exclusion of the territory from the improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the effective date of the resolution of exclusion; otherwise, the exclusion and all

proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 43 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 43. (a) Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

(b) The resolution of intention shall state:

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

(2) If the improvement district was formed pursuant to Section 21 hereof, that no bonds have been issued for the improvement district or are outstanding.

(3) If the improvement district was formed pursuant to Section 40 hereof, that no indebtedness or liability was incurred for the improvement district or is outstanding.

(4) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

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

(6) That at such time and place any person residing within the agency or improvement district or owning taxable property in the agency or improvement district may appear and be heard.

(c) Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

(d) At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person residing within the agency or improvement district or owning taxable property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

(e) At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

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

(g) The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness

of the district contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

(h) Any action or proceeding in which the validity of the dissolution of an improvement district, or any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

CHAPTER 223

An act to amend Sections 213 and 4651 of the Labor Code, relating to compensation and disability payments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 213 of the Labor Code is amended to read:
213. Nothing contained in Section 212 shall:

(a) Prohibit an employer from guaranteeing the payment of bills incurred by an employee for the necessities of life or for the tools and implements used by the employee in the performance of his duties.

(b) Apply to counties, municipal corporations, quasi municipal corporations or school districts.

(c) Apply to students of nonprofit schools, colleges, universities, and other nonprofit educational institutions.

(d) Prohibit an employer from depositing wages due or to become due or an advance on wages to be earned in a bank account of the employee's choice in this state, provided the employee has voluntarily authorized such deposit. If an employer discharges an employee or the employee quits such voluntary authorization for deposit shall be deemed terminated and the provisions of this article relating to payment of wages upon termination of employment shall apply.

SEC. 2. Section 4651 of the Labor Code is amended to read:

4651. Such permanent or temporary disability payments shall thereafter be made not less frequently than twice in each calendar month, unless otherwise ordered by the appeals board.

No such payment shall be made by any written instrument unless it is immediately negotiable and payable in cash, on demand, without

discount at some established place of business in the state.

Nothing in this section shall prohibit an employer from depositing such payment in a bank account of the employee's choice in this state, provided the employee has voluntarily authorized such deposit.

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

Employees of the federal government have for some years had the option of having their salaries deposited directly into their personal bank checking accounts. Negotiations between banks and employers in California have resulted in agreement on procedures whereby employees in the private sector may now request direct deposit of their paychecks if they so desire. These procedures will be made available to hundreds and thousands of California employees shortly after the clarifying amendments herein are enacted into law.

CHAPTER 224

An act to amend Section 42721 of, and to repeal Article 2.5 (commencing with Section 42685) of Chapter 2 of Division 17 of, the Agricultural Code, relating to containers.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Article 2.5 (commencing with Section 42685) of Chapter 2 of Division 17 of the Agricultural Code is repealed.

SEC. 2. Section 42721 of the Agricultural Code is amended to read:

42721. Any person authorized by Article 3 (commencing with Section 42701) of this chapter to petition for the issuance of a regulation authorized under such article, who files a petition within 30 days of the effective date of the regulation, may appeal to the director for the rescission or modification of such regulation. The appeal shall be in the form of a petition which shall specify the change requested in the regulation and the reasons therefor.

CHAPTER 225

An act to amend Sections 1, 32, 35, and 101 of, and to add Section 50 to, the Agricultural Code, relating to agriculture.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

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

1. This act shall be known as the "Food and Agricultural Code."

SEC. 2. Section 32 of the Agricultural Code is amended to read:

32. "Department" means the Department of Food and Agriculture.

SEC. 3. Section 35 of the Agricultural Code is amended to read:

35. "Director" means the Director of Food and Agriculture.

SEC. 4. Section 101 of the Agricultural Code is amended to read:

101. There is in the state government in the Agriculture and Services Agency, the Department of Food and Agriculture.

SEC. 5. Section 50 is added to the Agricultural Code, to read:

50. Whenever the term "department" or "Department of Agriculture" appears in any law, it means the "Department of Food and Agriculture."

Whenever the term "director" or "Director of Agriculture" appears in any law, it means the "Director of Food and Agriculture."

Whenever the term "Agricultural Code" appears in any law, it means the "Food and Agricultural Code."

CHAPTER 226

An act to add Sections 8506.1 and 8507 to the Education Code, relating to venereal disease instruction, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. The Legislature finds and declares that the incidence of venereal disease in the State of California has reached epidemic proportions. The Legislature further finds and declares that there is a pressing need for effective programs of venereal disease education in the public schools of California to combat this serious public health problem.

SEC. 2. Section 8506.1 is added to the Education Code, to read:

8506.1. The provisions of Section 8506 shall not apply to any

venereal disease education classes conducted pursuant to Section 8507.

SEC. 3. Section 8507 is added to the Education Code, to read:

8507. The governing board of any district maintaining elementary or secondary schools may offer units of instruction in venereal disease education in such schools with the assistance and guidance of the State Department of Education. The grade level at which such instruction shall be given shall be determined by the governing board of the school district.

Nothing in this section shall be construed as prohibiting or limiting any right provided for in Section 8701.

If venereal disease education classes are offered, the parent or guardian of each pupil enrolled or to be enrolled therein shall be notified in writing of the instructional program. Such notice shall be given at least 15 days prior to the commencement of the instructional program. The notice shall also advise the parent or guardian of his right to inspect the instructional materials to be used in such class and of his right to request the school authorities that his child not attend any such class.

Sending the required notice through the regular United States mail or any other method of delivery which the school district commonly uses to communicate individually in writing to all parents, meets the notification requirements of this section.

The parent or guardian may request that his child not participate in a venereal disease instruction program. Such request shall be in writing, but may be withdrawn by the parent or guardian at any time. No pupil may attend any class in venereal disease education, if a request that he not attend the class has been received by the school in the manner provided in this section.

The parent or guardian of any pupil enrolled or to be enrolled in any venereal disease education class shall be provided the opportunity to inspect the textbooks, audiovisual aids, and any other instructional materials to be used in such classes.

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

In order to allow school districts to plan for and implement appropriate guidelines relating to the vital discussion and allowable instruction provided for in this act during the 1972-1973 school year, it is necessary that this act take immediate effect.

CHAPTER 227

An act to amend Section 3251 of the Civil Code, relating to payment bonds for public works.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 3251 of the Civil Code is amended to read:
3251. Unless a payment bond is filed and approved as provided in this chapter, or unless the failure to file it is the result of inadvertence or excusable neglect, no claim in favor of the original contractor arising under the contract shall be audited, allowed or paid by the public entity awarding the contract or any officer thereof. Claimants shall receive payment of their respective claims in the manner provided by Chapter 4 (commencing with Section 3179) upon complying with the provisions thereof.

SEC. 2. This act shall only apply to contracts entered into by a community college district located within a county containing a population of 7,000,000 or more, as determined by the 1970 federal decennial census, on or after March 14, 1969, and thereafter performed on or before December 31, 1970.

SEC. 3. The changes which this act makes in Section 3251 of the Civil Code shall remain in effect until the expiration of 180 days after its effective date, and, thereafter, shall be of no force or effect. On and after such date, Section 3251 of the Civil Code shall read as it did immediately prior to the effective date of Chapter 1721 of the Statutes of 1971.

 CHAPTER 228
An act to add Sections 13841.7, 13841.8, 13841.9, 13841.10, 13841.11, and 13841.12 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 13841.7 is added to the Health and Safety Code, to read:

13841.7. (a) Where the board of directors is elected, it may by resolution submit to the voters at any district election the question of whether the directors shall be elected by divisions.

(b) If the question is submitted to the voters at a general district election, the notices required by Sections 23511, 23521, and 23522 of

the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at any district election, other than a general district election, the notice of election and ballot shall contain a statement of the question.

If at the election the majority of the voters voting upon the question approves the election of directors by divisions, then the board shall promptly by resolution divide the district into as many divisions as there are directors, which shall be as nearly equal in population as practicable, and it shall assign a number to each division.

(c) Thereafter, board members shall be elected by election divisions and each member elected shall be a resident of the election division from which he is elected. As used in this section, the term "by election divisions" shall mean the election of members of the district board by voters of the election division only. At the district general election next following the approval by the voters of the election of directors by divisions and each such election thereafter, vacancies on the board created by the expiration of the terms of members thereof shall be assigned to the respective district divisions and the vacancies filled therefrom. In all other respects the district general election shall be conducted in the manner provided in this part.

SEC. 2. Section 13841.8 is added to the Health and Safety Code, to read:

13841.8. The establishment of election divisions pursuant to Section 13841.7 shall be made on the basis of the population in the district as shown or estimated from the most recent of any of the following: the last federal decennial census; any census of a county, taken as provided in Section 26203 of the Government Code, or census of a city, taken as provided in Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the Government Code; any census or population estimate of a city taken or made as provided in Section 2107.1 or 2107.2 of the Streets and Highways Code; or population estimates contained in any official document prepared by the Department of Finance and issued to the public.

SEC. 3. Section 13841.9 is added to the Health and Safety Code, to read:

13841.9. If district directors are elected from election divisions as provided in Section 13841.7, the district board, following each federal decennial census and using the census as a basis, shall, by resolution, adjust the boundaries of the election divisions so that the divisions shall be as nearly equal in population as may be practicable.

The boundaries of the divisions shall be adjusted by the district board pursuant to this section by the first day of June of the year next following the year in which each federal decennial census is taken.

SEC. 4. Section 13841.10 is added to the Health and Safety Code, to read:

13841.10. If at any time between each federal decennial census, a district, whose directors are elected from election divisions,

annexes or detaches territory, the district board, within 90 days after completion of the annexation or detachment proceedings, shall, by resolution, adjust the boundaries of the divisions so that the divisions shall be as nearly equal in population as may be practicable.

Readjustment of divisions pursuant to this section may be made on the basis of the population in the district after the annexation or detachment as determined pursuant to Section 13841.8.

SEC. 5. Section 13841.11 is added to the Health and Safety Code, to read:

13841.11. If, pursuant to Section 13833, the number of district directors is increased from three to five and directors of the district are elected by election divisions as provided in Section 13841.7, the district board shall, by resolution, reestablish divisions within the district so as to provide for five rather than three, divisions. Such reestablished divisions shall be as equal in population as practicable as determined pursuant to Section 13841.8.

SEC. 6. Section 13841.12 is added to the Health and Safety Code, to read:

13841.12. This section shall apply only to districts whose directors are elected by election divisions as provided in Section 13841.7.

(a) The term of office of any elected director shall not be affected by the establishment or change in the boundaries of election divisions.

(b) At the first election for directors following adjustment of the boundaries of election divisions, an election shall be held in the territory of a readjusted division having a number the same as that of an incumbent member whose term is due to expire. No election, however, shall be held in the territory of a readjusted division having a number the same as that of an incumbent member whose term is not due to expire. A readjusted division having a number the same as that of a member whose term is not due to expire shall continue to be represented by the incumbent member having the same number as the readjusted division.

(c) Notwithstanding any other provision of this chapter, a change in the boundaries of election divisions shall not be made within 90 days prior to the final date of voter registration for an election of directors.

CHAPTER 229

An act to amend Section 1142 of the Education Code, relating to school elections.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 1142 of the Education Code, as amended by Chapter 1479 of the Statutes of 1971, is amended to read:

1142. (a) If the county clerk finds the petition, together with supplementary petitions, if any, sufficient he shall at once notify the school district governing board who shall call a special election to be held in the district within not less than 74 nor more than 89 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of the governing board of the district is to occur not less than 74 nor more than 89 days from the date of the call for the special election, the governing board may, in its discretion, order the holding of the special election at the time the regular election is held.

(b) If the school district governing board fails to call the special election, as prescribed in subdivision (a) of this section within 30 days after receipt of the notification from the county clerk, the county clerk shall set the date for holding the special election within the time periods prescribed in this section applicable to the school district governing board.

CHAPTER 230

An act to amend Sections 17200 and 17202 of the Elections Code, relating to elections.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 17200 of the Elections Code is amended to read:

17200. The precinct board, as soon after the polls are closed as it is possible to do so, shall prepare the supplies, including the copies of the index posted at or near the polling place, and records of the election for delivery to the county clerk in the manner specified in this article.

SEC. 2. Section 17202 of the Elections Code is amended to read:

17202. The precinct board shall enclose and seal in one or two packages, as determined by the county clerk:

- (a) Two tally sheets.
- (b) The roster of voters.
- (c) The copy of the index used as the voting record and the copies of the index posted at or near the polling place.
- (d) The challenge list.
- (e) The assisted voter's list.
- (f) The affidavits of persons assisting voters.

CHAPTER 231

An act to amend Section 11104 of the Vehicle Code, relating to driving instructors.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 11104 of the Vehicle Code, as amended by Chapter 1748 of the Statutes of 1971, is amended to read:

11104. Every person in order to qualify as an instructor for a driving school or as an independent instructor as provided for in Section 11105.5 of this code shall meet the following requirements:

- (a) Be of good moral character.
- (b) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.
- (c) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles and teaching methods and techniques.
- (d) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.
- (e) Hold a valid California driver's license which is not subject to revocation as provided in Section 13359, and not be on probation to the department as a negligent operator.
- (f) Pay to the department an application fee of ten dollars (\$10).
- (g) Be 18 years of age or older.
- (h) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination, and fee shall be required.

CHAPTER 232

An act to add Section 25536.2 to the Government Code, relating to county property.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 25536.2 is added to the Government Code, to read:

25536.2. Whenever real property has been granted to a county, prior to January 1, 1942, by gift deed for theatrical, musical or other cultural purposes, the board of supervisors, in addition to its other powers, may, from time to time as required by the public interest and without complying with the other provisions of this article, enter into an operating lease or management contract with a nonprofit corporation or association for the maintenance, operation, or management of such property for uses consistent with the gift deed and as a place of public assembly for the use, benefit and enjoyment of the public. The term of any such lease or management contract shall not exceed 30 years and may be upon such other terms and conditions as may be agreed upon and as may be required to comply with the limitations and restrictions upon the use of the property contained in the gift deed.

The provisions of this section shall apply only to a county with a population of seven million (7,000,000) or more as shown in the 1970 federal decennial census.

CHAPTER 233

An act to amend Section 8836.5 of the Fish and Game Code, relating to fishing.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 8836.5 of the Fish and Game Code is amended to read:

8836.5. Notwithstanding Section 8836, trawlnets, except midwater trawlnets, may be used in that portion of District 18 between a line running due west from Yankee Point and a line running due west from Point Sur in waters not less than one nautical mile from the nearest point of land on the mainland shore.

CHAPTER 234

An act to amend Section 6487 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 6487 of the Health and Safety Code is amended to read:

6487. All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the district by its president, and countersigned by its secretary, except that the board may, by resolution, authorize the district manager or other district employees specified by the board to sign releases, receipts, and similar documents in the name of the district.

CHAPTER 235

An act to amend Section 21113 of the Vehicle Code, relating to traffic regulations.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, state, county, hospital district, rapid transit district, or municipal airport, institution or building, or unit of the state park system or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of the public school, state university, state college, state, county, hospital district, rapid transit district, or municipal airport, institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal

administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

SEC. 2. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, or rapid transit district or any state, county, or hospital district institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, or state, county, or hospital district institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 504 are both chaptered and amend Section 21113 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 504, that the amendments to Section 21113 proposed by both bills be given effect and incorporated in Section 21113 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 504 are both chaptered, both amend Section 21113, and Senate Bill No. 504 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 236

An act to add Section 15802.2 to the Education Code, relating to insurance.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 15802.2 is added to the Education Code, to read:

15802.2. Nothing in the Education Code shall be construed as prohibiting two or more school districts subject to Section 15802 from performing the powers prescribed in Section 15802.1, through a joint powers agreement made pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code.

CHAPTER 237

An act to amend Section 677 of the Insurance Code, relating to insurance.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 677 of the Insurance Code is amended to read:

677. All notices of cancellation shall be in writing, mailed to the named insured at the address shown in the policy, or to his last known address, and shall state, with respect to policies in effect after the time limits specified in Section 676, (a) which of the grounds set forth in Section 676 is relied upon, and (b) that, upon written request of the named insured, the insurer shall furnish the facts on which the cancellation is based.

CHAPTER 238

An act to amend Section 1132 of the Education Code, relating to school elections.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 1132 of the Education Code is amended to read:

1132. A petition demanding the recall of any governing board member shall be filed for verification of signatures with the county clerk. If more than one governing board member is sought to be recalled, separate petitions shall be filed for each member sought to be recalled.

Before any signatures are obtained to a recall petition, a copy of the text of the petition and the name and address of at least one, but not more than five, proponents shall be filed with the county clerk of the county designated on the paper, and the recall proceedings shall be deemed to be pending from the date of such filing.

CHAPTER 239

An act to amend Section 13961 of, to add Section 13991.5 to, to add Article 15 (commencing with Section 14116) to Chapter 4 of Division 10 of, to repeal Section 13853 of, and to repeal Article 29 (commencing with Section 14440) of Chapter 4 of Division 10 of, the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 13853 of the Education Code is repealed.

SEC. 2. Section 13961 of the Education Code, as amended by Chapter 1305 of the Statutes of 1971, is amended to read:

13961. Persons employed in a position requiring membership in this system, but who are members of a local system or a county retirement system are excluded from membership in the system. A person so excluded shall retain the right to receive a retirement allowance for nonlocal service which is creditable in the system unless he withdraws his contributions therefor.

SEC. 3. Section 13991.5 is added to the Education Code, to read:

13991.5. Those persons who on June 30, 1972, were receiving a

service retirement or disability retirement allowance or survivor benefit from the State Teachers' Retirement System who, at the time that benefit was computed, had it reduced by a portion of a social security benefit to which they were otherwise entitled shall have that reduction removed prospectively effective July 1, 1972.

SEC. 4. Article 15 (commencing with Section 14116) is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 15. San Francisco Local System

14116. Notwithstanding any other provision of this code, the provisions of this article shall govern the matters included in this article.

14116.1. On July 1, 1972 and thereafter all persons who first enter employment in the San Francisco Unified School District and the San Francisco Community College District in positions requiring membership in State Teachers' Retirement System are members of State Teachers' Retirement System in accordance with Section 13941. These new members are excluded from coverage under the Old Age, Survivors, Disability and Health Insurance (Federal Social Security) Law for service performed as a member of State Teachers' Retirement System.

14116.2. Member and employer contributions for local service of a local system member shall be paid to the local system only for all service performed during the 1972-1973 school year.

14116.3. The accumulated Permanent Fund contributions related to San Francisco local service performed prior to July 1, 1972, shall be retained in the Teachers' Retirement Fund during the 1972-1973 fiscal year. Credited interest shall be applied to member accounts for the 1972-1973 fiscal year.

14116.4. Each credentialed member of the San Francisco City and County Employees' Retirement System on June 30, 1972, shall make an irrevocable election to be covered only by that system or to be covered only by the State Teachers' Retirement System for prior and future service performed in the San Francisco Unified School District or the San Francisco Community College District. This election shall be made no later than February 15, 1973, and shall be effective as of July 1, 1972.

This election shall be on a form and executed in such manner as the Superintendent of the San Francisco Unified School District and the Superintendent of the San Francisco Community College District shall specify.

Each district shall notify State Teachers' Retirement System of the individual's election with a copy thereof no later than March 1, 1973. Failure of a person to execute this election shall constitute an irrevocable election for coverage by the San Francisco City and County Employees' Retirement System.

14116.5. All persons on the San Francisco system retired rolls on June 30, 1972, shall remain on the local rolls. The State Teachers'

Retirement System will continue the subvention in Section 14120 to the local district for those persons, will apply the percentage update and annual improvement factor to payments being made by the State Teachers' Retirement System directly to the retirant, and will pay the two-thousand-dollar (\$2,000) retired death benefit upon their death. The retired death benefit will be reduced by the retired lump-sum death benefit payable by the San Francisco system.

The allowance that would have been payable had the member retired solely under the State Teachers' Retirement System, including the percentage update calculated under Sections 14332, 14333 and 14334, shall be taken into account in computing the amount of increase for the ten-dollar (\$10) a month per year of service minimum benefit.

14116.6. If a person dies, becomes disabled, or retires after June 30, 1972, and prior to the execution of an irrevocable election, the election of system coverage shall be made immediately and all benefits shall be paid in accordance with that election.

If a person has made the election to be covered only by the State Teachers' Retirement System and dies, becomes disabled or retires prior to July 1, 1973, benefits shall be paid as though the election had been executed on July 1, 1972.

14116.7. If a person has made an election to be covered only by the State Teachers' Retirement System and dies, becomes disabled or retires prior to July 1, 1973, the determination of a shortage or overage in his account shall be made immediately, and any shortage due to the State Teachers' Retirement System which is payable by the member shall be paid prior to the payment of any benefit.

14116.8. Contributions payable by the member shall be paid with credited interest thereon through June 30, 1972, plus 6 percent interest on the June 30, 1972, balance for period from July 1, 1972, to date of payment.

14116.9. Persons who select to be covered only by the State Teachers' Retirement System and already have credit for classified or other noncertificated service in the San Francisco local system shall not have that credit transferred to the State Teachers' Retirement System.

14116.95. The San Francisco City and County Employees' Retirement System shall provide concurrent retirement benefits for classified and other noncertificated service in the San Francisco system according to the provisions applicable to miscellaneous employees of the time of the concurrent retirement for:

(a) Members of that system who transfer to the State Teachers' Retirement System after June 30, 1972; and

(b) Persons who were members of both retirement systems on June 30, 1972; and

(c) Any person who could have qualified under (b) if he had not taken a refund from either but not both systems, provided he qualifies for and redeposits prior to retirement.

14116.10. Notwithstanding the provisions in Section 14211, a

member of the San Francisco local system may retire concurrently and receive credit for service performed in other states of the United States, its territories and possessions and the Dominion of Canada provided that person is eligible under Sections 13998, 13999, and 14000.

14116.11. If a person elects to be covered only by the State Teachers' Retirement System under Section 14116.4, there shall be deposited in the Teachers' Retirement Fund as of July 1, 1973:

(a) An amount equal to the contributions that would have been required had all service prior to July 1, 1972, been performed as a full-time member of State Teachers' Retirement System plus credited interest through June 30, 1972, plus 6-percent interest for the balance of the 1972-1973 fiscal year; plus

(b) An amount equal to 8 percent of the employee compensation as provided in Section 13832 for service performed during the 1972-1973 fiscal year, plus 6-percent interest; plus

(c) An amount equal to 3.2 percent of employee compensation as provided in Section 13832 as the employer's portion for service performed during the 1972-1973 fiscal year, plus 6-percent interest.

14116.12. If the accumulated contributions in the person's local fund account at the time of transfer to the State Teachers' Retirement System are not equal to those required in Section 14116.11, the difference between the amount in the account and the required amount is an unfunded liability and is the responsibility of the employer. The San Francisco City and County Employees' Retirement System shall, at the time of the transfer of assets, provide the additional amount of accumulated contributions required to put each individual account in balance if the shortage is due to the rate of contributions which had been required by that local system. Such amount shall be a charge against the employer's reserve in the San Francisco City and County Employees' Retirement System attributable to the San Francisco Unified School District and the San Francisco Community College District.

Any funds transferred by the local system in addition to the accumulated contributions already in the member's account shall be deposited as employer contributions in the Teachers' Retirement Fund, and shall not be credited to the member's account and shall not be refundable.

Those persons in the San Francisco local system who elected the option to reduce their contributions by the amount of the old age portion of the social security contribution and those who are members of that system under San Francisco City Charter Section 8.507 are liable for this portion of any shortage in their accumulated contributions due to the Teachers' Retirement Fund, plus credited interest through June 30, 1972, and plus regular interest thereafter. This applies also to those persons who elected to have the required retroactive social security payment paid from their account in the local system at the time such coverage was adopted.

14117. The San Francisco City and County Employees'

Retirement System shall provide for and assume total financial responsibility for the full Permanent Fund benefit earned through June 30, 1972, for those persons who elect to be covered only by the local system, as those benefits existed in subdivision (a) of Section 14240 on June 30, 1972. There shall be no reduction in local benefits because of this section.

14117.1. Adjustments to accounts caused by late discovery shall be made in accordance with Sections 14116.11 and 14116.12.

14117.2. Those persons who have taken a refund of their contributions and interest from the San Francisco local system prior to July 1, 1972, and who have Permanent Fund contributions on deposit in State Teachers' Retirement System for such service shall have the accumulated Permanent Fund contributions on deposit in State Teachers' Retirement System as of July 1, 1972, handled the same as the Permanent Fund contributions of all nonlocal members.

Upon discovery and notification to such persons, they shall:

- (a) Deposit the contributions required with regular interest; or,
- (b) Leave the Permanent Fund accumulated contributions on deposit and receive an actuarially reduced retirement allowance.

14118. The San Francisco Unified School District may continue the current annual report of member contributions and service for fiscal year 1972-73 for all nonlocal certificated members working in the San Francisco Unified School District. The 8-percent employee and 3.2-percent employer contributions for these nonlocal members shall be remitted monthly. If an annual report is submitted instead of a monthly report, it is due on July 31, 1973, and is delinquent on August 31, 1973. The provisions of Section 14056 shall apply.

14119. All costs of the selection, asset transfer, asset valuation, security registration, and the administrative costs in the implementation of Chapter 1305 of the Statutes of 1971 shall be borne by the employer reserve in the San Francisco City and County Employees' Retirement System related to the unified school district and the community college account.

14119.1. For the members of the San Francisco local system who select to be covered only by the State Teachers' Retirement System, the transfer of assets from the San Francisco local system to the State Teachers' Retirement System shall be in cash or in securities in kind. While a proportionate division of each holding shall not be required, the securities transferred to the State Teachers' Retirement System shall be divided between nonconvertible fixed income investments, equities, and securities convertible into equities in proportion to the book value of these security groupings to the total value of the San Francisco local system portfolio as of March 31, 1972. For this purpose, cash will be counted as equivalent to a security valued at market.

The value of securities in kind that are to be transferred shall be determined as follows: nonconvertible fixed income investments held in the portfolio on March 31, 1972, will be valued by discounting at the annualized earnings rate on the State Teachers' Retirement

System's nonconvertible fixed income portfolio as of June 30, 1973, computed in accordance with established State Teachers' Retirement System procedures, plus an allowance for accrued income. However, where the value for any specific security when computed in this manner would be above the value at which the security may be redeemed at the first date at which it is callable or refundable, then the applied rate shall be computed to the redemption price at the first date at which the security is redeemable or refundable, whichever is later, plus an allowance for accrued income. Nonconvertible fixed income securities purchased after March 31, 1972, equities and securities convertible into equities shall be valued at market plus accrued interest if any. All securities to be transferred shall be valued as of June 30, 1973.

Either the San Francisco City and County Employees' Retirement System or the Teachers' Retirement Board may reject specific securities and recommend alternative assets. Selection of securities to be transferred in kind shall not be made in a manner adverse to the Teachers' Retirement Fund. Should the respective parties be unable to reach agreement by August 15, 1973, the matter shall be submitted to arbitration by a third party, and his decision shall be binding upon both parties. In making his determination, the third party arbitrator shall be guided by the Constitution, other existing provisions of law, including this section, and the formal investment resolution of the Teachers' Retirement Board.

The arbitrator shall be mutually agreed upon. If agreement cannot be reached, the arbitrator shall be appointed by the Governor from a list of four names; two names each to be submitted independently by the San Francisco City and County Employees' Retirement System and the Teachers' Retirement Board.

14119.2. If a net realized loss occurs from the transfer of assets at less than their book values, that loss shall be a charge against the employer's reserve resident in the San Francisco City and County Employees' Retirement System attributable to the San Francisco Unified School District and the San Francisco Community College District.

14119.3. Residual employer funds shall remain in the San Francisco employer reserve in the local system, and shall be credited on a year-to-year basis as determined by the San Francisco City and County Employees' Retirement System to the employer's accounts in that reserve attributable to the San Francisco Unified School District and the San Francisco Community College District.

14119.4. The transfer of cash and securities in kind from the San Francisco City and County Employees' Retirement System to the Teachers' Retirement Fund shall be accomplished by that system delivering the cash and securities in kind at the office of the State Treasurer in Sacramento properly registered in the name of the State Teachers' Retirement System in accordance with the registration requirements of the State Teachers' Retirement System. This transfer shall be completed by September 1, 1973. Interest on

any cash transfer shall be at the rate of 6 percent per annum from July 1, 1973, to date of the transfer. Any cash income payments or payments in securities made to the San Francisco local system after June 30, 1973, which are on securities to be transferred to the Teachers' Retirement Fund and are properly allocable to the Teachers' Retirement Fund shall be transferred to the Teachers' Retirement Fund.

14119.5. In the event that a preponderance of the members of the San Francisco local system elect to be fully covered by that system so as to require a transfer of cash and securities in kind from the Teachers' Retirement Fund to the San Francisco local system, the State Teachers' Retirement System shall be bound by the conditions enumerated in Sections 14119.1, 14119.2 and 14119.4.

14119.6. The San Francisco City and County Employees' Retirement System shall submit a list of all members of the system as of June 30, 1972, who have credential service which would qualify for membership in State Teachers' Retirement System. The list shall be submitted to State Teachers' Retirement System no later than October 31, 1972.

14119.7. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

SEC. 5. Article 29 (commencing with Section 14440) of Chapter 4 of Division 10 of the Education Code is repealed.

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

The facts constituting such necessity are:

In order to permit the orderly implementation of Chapter 1305 of the Statutes of 1971 this act must take effect immediately.

CHAPTER 240

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

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

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

29321. The board of supervisors may establish a revolving fund for the use of any officer of the county by adopting a resolution

setting forth: (a) the necessity for the fund, (b) the office, department, service, or institution for which the fund is available, and (c) the amount of the fund, which shall not exceed twenty-five thousand dollars (\$25,000).

CHAPTER 241

An act to amend Sections 20042, 20043, 20047, and 37203 of, and to add Sections 36438, 36439, 36440, 36441, 36442, 36443, 36444, 36445, and 36446 to, the Water Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 20042 of the Water Code is amended to read:
20042. If no bonds of the district have theretofore been approved for certification by the State Treasurer or any statutory predecessor of the State Treasurer, the report shall be made upon each detail that may in the opinion of the State Treasurer have any bearing upon the feasibility and economic soundness of the project, or if part of a regional plan, the necessity for the accomplishment of the project as part of a regional plan and the ability of the district to generate funds to pay the principal and interest on bonds proposed to be issued for the project.

SEC. 1.2. Section 20043 of the Water Code is amended to read:
20043. If bonds of the district have theretofore been approved for certification, the report shall be upon the feasibility of the specific project for which the bonds under consideration are desired or have been issued, or if part of a regional plan, the necessity for the accomplishment of the project as part of a regional plan and the ability of the district to generate funds to pay principal and interest on bonds proposed to be issued for the project.

SEC. 1.4. Section 20047 of the Water Code is amended to read:
20047. If the State Treasurer finds as set out in the report that the project of a district is economically sound and feasible or finds that there is a necessity for the accomplishment of the project as part of a regional plan and is of the opinion that adequate funds will be available to pay all bond principal and interest when due, the bonds of the district enumerated in the report filed with the State Controller are entitled to certification by the State Controller as provided in this chapter.

SEC. 1.6. Section 36438 is added to the Water Code, to read:
36438. Pursuant to the procedure hereinafter set forth in this chapter, two or more existing coterminous improvement districts formed pursuant to the provisions of this chapter may be

consolidated into one improvement district. In such instance the consolidated improvement district may be designated in such manner as the board may designate. Any authorized but unissued bonds may be issued and sold as the bonds of the consolidated improvement district. Such bonds, as well as any funds on hand from bonds previously issued by any of the improvement districts consolidated into one improvement district as hereinafter provided or any other funds of any such improvement districts, shall be used in the manner provided by law for the original authorized purposes. However, any such use of funds shall be to accomplish the plan of works originally established or as subsequently amended.

To the extent assessment, standby charges, or other charges are necessary to be levied or collected by reason of any such improvement districts consolidated hereunder into one improvement district, such assessments, standby charges, or other charges may be collected by the consolidated improvement district provided for hereunder. Thereafter, the amount so collected shall be utilized to satisfy the obligations for which such assessments or standby charges were levied and collected.

SEC. 2. Section 36439 is added to the Water Code, to read:

36439. In the event that the board determines it to be in the best interests of the district to consolidate any two or more existing coterminous improvement districts formed under this chapter, it may by resolution adopted by a four-fifths vote, declare its intention to consolidate such improvement districts. The resolution so adopted shall identify the improvement districts to be consolidated and shall set forth the total amount of authorized bonds, as well as the amount of outstanding bonds, of each of the improvement districts proposed to be consolidated, the purposes of each such improvement district, and the designation of the proposed consolidated improvement district. The resolution of intention shall set forth a legal description of the existing coterminous improvement districts to be consolidated and provide that notice be given in a manner provided in Section 36414. Additionally, the resolution shall fix a date, time, and place for a public hearing on the proposed consolidation.

SEC. 3. Section 36440 is added to the Water Code, to read:

36440. At the conclusion of the hearing on the resolution of intention provided for in Section 36439, the board may adopt a resolution declaring the existing coterminous improvement districts described in the resolution of intention to be consolidated in one improvement district which shall be designated therein. The resolution shall contain the legal description thereof as well as a statement of the purposes of the consolidated improvement district. If the parent district has adopted the alternative method for the levy, collection and enforcement of district assessments by the county and is operating under the provisions of Part 7.5 (commencing with Section 37200) of this division, it shall file a statement as required by Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code. The resolution shall contain a

determination that such consolidation is in the best interests of the present and future property owners and taxpayers. Any such resolution shall be subject to referendum held within the boundaries described in the resolution adopted as provided for herein.

SEC. 4. Section 36441 is added to the Water Code, to read:

36441. The provisions of Sections 36438 to 36440, inclusive, are in the alternative to and shall not affect any existing provisions of this division.

SEC. 5. Section 36442 is added to the Water Code, to read:

36442. After the formation of an improvement district, lands may be detached therefrom upon any terms and conditions as may be fixed by the board. If the board determines that territory should be detached from an improvement district, the board shall adopt a resolution of intention which shall state the following:

(a) The intention of the board to detach certain territory from Improvement District No. ____ of _____ District.

(b) That a map showing the exterior boundaries of the territory to be detached, which map shall govern for all details as to the extent of the area to be detached, is on file with the secretary of the district and is available for inspection by any person or persons interested.

(c) The terms and conditions of the proposed detachment.

(d) That the assessments for carrying out any purpose of the improvement district, including the payment of principal of and interest on any bonds or warrants outstanding, shall or shall not be continued to be levied to the extent and in the manner provided for in the District Reorganization Act of 1965 upon the lands in the territory to be detached.

(e) The time and place for a hearing by the board on the question of the detachment of such territory from the improvement district and any other matter relating to any of the foregoing.

(f) That at such time and place any persons interested, including persons owning land within the area to be detached from the improvement district, may appear and be heard. Notice of such hearing shall be given in the same manner as provided in Section 36414.

SEC. 6. Section 36443 is added to the Water Code, to read:

36443. At the time and place fixed, or at any time and place to which the hearing is continued, the board shall hold the hearing provided for by such resolution of intention. At the hearing any person interested, including all persons owning land in the district or in the territory to be detached from the improvement district, may appear and be heard concerning any matters set forth in the resolution of intention or any matters material thereto.

SEC. 7. Section 36444 is added to the Water Code, to read:

36444. At the hearing, the board may adopt a resolution proposing modifications relating to any or all of the following:

(a) Modification of the boundaries of the territory to be detached.

(b) The exclusion from the territory to be detached of any lands described in the resolution of intention which, in its opinion, will be

benefited by remaining part of the improvement district.

(c) The terms and conditions set forth in the resolution of intention, or if none, the board may adopt terms and conditions.

Such resolution proposing modifications shall describe the proposed modifications and shall fix a time and place for a hearing by the board thereon. The board shall not order any modifications except after publication of the resolution proposing the modifications as provided in Section 36417.

SEC. 8. Section 36445 is added to the Water Code, to read:

36445. At the conclusion of the hearing on the resolution of intention and of the hearing, if any, upon proposed modifications, the board may by resolution order the territory detached from the improvement district upon the terms and conditions set forth in the resolution of intention.

SEC. 9. Section 36446 is added to the Water Code, to read:

36446. As an alternative procedure for the detachment of land from an improvement district, lands may be detached from any improvement district by resolution of the board declaring the territory detached after receipt by the board of written consent of the owners of all of the land to be detached therefrom, which consent shall include the terms and conditions of annexation, if any.

SEC. 10. Section 37203 of the Water Code is amended to read:

37203. On or before December 31st of any year the board may by resolution elect to proceed under this part for the levy, collection and enforcement of assessments, and thereafter until termination of such election the provisions of this part and no other shall apply. The board by resolution may at any time on or before December 31st of any year terminate its election to proceed under this part, and thereafter the provisions of this part shall no longer apply. On or before January 1st following the adoption of either of said resolutions, a certified copy thereof shall be filed with the auditor, assessor, tax collector and treasurer of each county within which a district is located and with the State Board of Equalization. There shall also be filed with the county assessor and the State Board of Equalization a statement as required by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

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

There exists within the State of California the need to undertake extensive and comprehensive planning and construction of facilities for the collection, treatment, disposal and reclamation of sewage and waste water. In such instances, it is necessary to accomplish this in the most economical and expeditious manner. In some instances this necessitates the participation of local agencies in regional solutions. In order to provide these facilities, there is the necessity for the reorganization of certain improvement districts within California water districts and the sale of bonds by one or more improvement

districts and districts in the State of California at the earliest possible time. In order, therefore, to not delay undertaking such planning and construction thereby avoiding possible pollution to areas within the State of California, it is necessary that this act go into immediate effect.

CHAPTER 242

An act to amend Sections 38 and 38.1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 38 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 38. Any water-producing facility which is not producing ground water from a zone replenished by the Santa Ana River or its tributaries may be excluded by order of the board of directors from the payment of the replenishment assessment and from the levy of the basin equity assessment and the production requirements and limitations provided by this act after the filing of a verified petition by the owner of a water-producing facility.

The petition shall describe the land upon which the water-producing facility is located, a description of the water-producing facility, and the names and addresses of the owners of the water-producing facility, and shall set forth that such water-producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. It shall be filed with the board of directors and accompanied by a deposit with the board of the sum of five hundred dollars (\$500) to meet expenses of advertising and costs incident to the proceedings, any unconsumed balance to be returned to the petitioner.

Upon the filing of the petition, the board of directors shall cause an investigation to be made by an engineer or engineers to determine whether the water-producing facility is or is not producing ground water from a zone replenished by the Santa Ana River or its tributaries. Upon completing such investigation and report two copies thereof shall be filed with the district, one copy of which shall be mailed to the petitioner. The cost and expense of such investigation and report shall be a charge against the deposit made by the petitioner.

Upon the filing of the report, the board of directors shall fix a time for holding a hearing regarding the petition and report, which time shall be not less than 25 days and not more than 75 days after the

filing of the report, and shall cause a notice of the filing thereof to be published in the district pursuant to Section 6066 of the Government Code. Such notice shall state the time and the place for the holding of such hearing. The district shall also mail to the petitioner a notice of such hearing, within 10 days after the first publication of the notice of the hearing. Any owner of a water-producing facility within the district may appear in person or by representative at said hearing either in behalf or in opposition to the granting of the request of said petition. If upon such hearing the board of directors determines that the petition complies with the provisions of this section, and determines and finds that such water-producing facility is not producing ground water from a zone replenished by the Santa Ana River or its tributaries, the board of directors shall make an order that such water-producing facility shall be excluded from the payment of the replenishment assessment and from the levy of the basin equity assessment and the production requirements and limitations as provided in this act. From the making of such order the water-producing facility so excluded shall no longer pay any replenishment assessment or basin equity assessment thereafter levied but such order of exclusion shall not invalidate in any manner any replenishment assessment or basin equity assessment theretofore levied.

The exclusion provisions provided in this section apply only to exclusion of water-producing facilities from the payment of the replenishment assessments or basin equity assessments authorized by this act, but do not in any manner exclude or limit the rights of the district to levy and collect a general assessment as provided in this act.

The finding and determination by said board is final and conclusive.

SEC. 2. Section 38.1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 38.1. Any water-producing facility which is producing water within the exterior boundaries of the district may be exempted by order of the board of directors from the payment of the replenishment assessments and from the levy of the basin equity assessment and the production requirements and limitations provided for in this act upon the filing of a verified petition by the owner of the water-producing facility.

The petition shall be filed with the board of directors of the district and shall include a description of the land upon which the water-producing facility is located, a description of the water-producing facility, a statement of water quality analysis of the water produced by the water-producing facility, the names and addresses of the owners of the water-producing facility, and shall set forth the purpose or purposes for which any water produced from the water-producing facility will be used. The petition may include one or more water-producing facilities located in the same general area, provided each of such facilities are owned by the same owner.

Upon the filing of the petition, the secretary of the district shall cause an investigation to be made for the purpose of determining whether the water produced by the water-producing facility is suitable or unsuitable for domestic or agricultural purposes. Upon completion of the investigation, a report of the results thereof shall be filed with the board of directors. The secretary of the district shall thereupon fix a time for a hearing upon said petition and report, which time shall be not less than ten (10) days and not more than seventy-five (75) days after the filing of said report, and shall cause a notice of the filing thereof and time and place fixed for the holding of the hearing to be published one time, at least ten (10) days before the date fixed for such hearing, in a newspaper of general circulation printed and published within the district. A copy of such notice shall be mailed to the petitioner by first-class mail with postage prepaid not less than seven (7) days prior to the date of the hearing.

At the time of the hearing, the board of directors shall determine whether the water produced from the water-producing facility or facilities is suitable or unsuitable for domestic or agricultural purposes. If the board of directors finds and determines the water produced from such facility or facilities or any of them is unsuitable for domestic or agricultural purposes, and further finds and determines that the production of such unsuitable water will have no adverse effects on the ground water supplies of the district, the board of directors may make an order that water produced from the water-producing facility or facilities shall be exempted from the payment of the replenishment assessments and from the levy of the basin equity assessment and the production requirements and limitations as provided in this act.

Nothing contained in this section shall exclude the operator of any water-producing facility exempted from the payments of replenishment assessments from filing the water production statements provided for in Section 29.

The board of directors of district may from time to time require that the owner of any water-producing facility or facilities, which are exempted from the payment of replenishment assessments and basin equity assessments, provide additional water quality analyses of water being produced from any water-producing facility which has been exempted from the payment of replenishment assessments and from the levy of the basin equity assessment and the production requirements and limitations as provided in this act.

The district shall at all times have the right to enter upon the premises where such exempted water-producing facility or facilities are located for the purpose of obtaining samples of the water being produced.

If at any time it appears that the quality of water being produced from a water-producing facility which has been exempted from payment of replenishment assessments and from the levy of the basin equity assessment and the production requirements and limitations has become suitable for domestic or irrigation purposes,

the secretary of the district shall fix a time for a hearing to determine whether the water produced from the water-producing facility has become suitable for domestic or agricultural purposes. The secretary of the district shall cause a notice of the hearing to be published one time, at least ten (10) days before the date fixed for such hearing, in a newspaper of general circulation printed and published within the district. A copy of such notice shall be mailed to the owner of the water-producing facility by first-class mail with postage prepaid not less than seven (7) days prior to the date of the hearing.

If upon such hearing, the board of directors finds and determines that the quality of the water being produced from such water-producing facility has become suitable for domestic or irrigation purposes or that the production of water therefrom will have an adverse effect on the ground water supplies of the district, the board of directors shall make an order that the exemption of payment of replenishment assessments and from the levy of the basin equity assessment and the production requirements and limitations on water being produced from said water-producing facility shall be canceled. Notice of such cancellation of exemption shall be sent to the owner of the specified water-producing facility by first-class mail with postage prepaid. The effective date of the cancellation of exemption from the payment of replenishment assessments and from the levy of the basin equity assessment and the production requirements and limitations shall be ten (10) days after the date of mailing of the notice of cancellation.

CHAPTER 243

An act to add Article 4 (commencing with Section 9430) to Chapter 4 of Division 9 of the Public Resources Code, relating to resource conservation districts.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Article 4 (commencing with Section 9430) is added to Chapter 4 of Division 9 of the Public Resources Code, to read:

Article 4. District Election Costs

9430. The county shall pay any and all costs attributable to the conduct of district elections and shall be reimbursed for such expenditure the following year by a special assessment levied and collected in the same manner as regular assessments pursuant to the provisions of Article 1 (commencing with Section 9360), except that the limitations set forth in Section 9364 shall not apply to such assessment.

CHAPTER 244

An act to amend Section 17535 of the Business and Professions Code, relating to advertising remedies.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 17535 of the Business and Professions Code is amended to read:

17535. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

SEC. 2. Section 17535 of the Business and Professions Code is amended to read:

17535. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city

attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 912 are both chaptered and amend Section 17535 of the Business and Professions Code, and this bill is chaptered after Senate Bill No. 912, that the amendments to Section 17535 proposed by both bills be given effect and incorporated in Section 17535 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 912 are both chaptered, both amend Section 17535, and Senate Bill No. 912 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 245

An act to amend Section 13364 of the Education Code, relating to teachers.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 13364 of the Education Code is amended to read:

13364. In lieu of an annual teachers' institute, the superintendent of schools of any county or of any school district employing 10 or more teachers, may hold during the school year, at places in the county, whether located within or outside the school district, chosen by the superintendent for their convenience and accessibility to teachers and patrons of the schools, local day or evening institutes or teachers' in-service meetings which shall provide at each of the chosen places, not less than the number of hours of institute work or teachers' in-service meetings as may be determined by the superintendent.

CHAPTER 246

An act to amend Section 50050 of, and to add Section 50055 to, the Government Code, relating to escheat of money in treasuries of local agencies.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 50050 of the Government Code is amended to read:

50050. For purposes of this article "local agency" includes all districts. Except as otherwise provided by law, money not the property of a local agency which remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if no verified complaint is filed and served. At any time after the expiration of the three-year period the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency.

SEC. 2. Section 50055 is added to the Government Code, to read:

50055. Any other provision of this article notwithstanding, any individual items of less than ten dollars (\$10) which remain unclaimed in the treasury or in the official custody of an officer of a local agency for the period of time specified in Section 50050 may be transferred to the general fund by the legislative body without the necessity of publication of a notice in a newspaper.

CHAPTER 247

An act to amend Section 4 of Chapter 63 of the Statutes of 1880, relating to protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 4 of Chapter 63 of the Statutes of 1880 is amended to read:

Sec. 4. Within 20 days after being notified of their election, the persons so elected shall meet and organize a board of trustees by the election from their number of a chairman and secretary, and enter upon the discharge of their duties. When organized as aforesaid, the board of trustees shall have power to acquire, by donation or purchase, any real or personal property needed for the district, and

hold the same for the uses of such district, and when necessary, may exercise the right of eminent domain, as provided by law. The board shall also possess the power to dispose of real or personal property when the board determines such disposal to be in the interests of the district. They shall have charge of all works of protection, and superintend the construction or repair of the same, and shall have power to do all other acts necessary for the accomplishment of the objects for which such district was organized. They shall provide proper books, in which they shall keep a correct record of all their proceedings, which shall be kept at some place within the district, and shall be subject to inspection by all persons during business hours. They may employ competent engineers, and shall proceed to survey, mark out, and locate the necessary works of protection for their district, and provide plans and specifications for the same, and estimates of costs of construction, and submit the same to the board of supervisors by whom the district was formed, for their approval, modification, or rejection.

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

In order that the governing boards of districts formed under Chapter 63 of the Statutes of 1880 may have the power to attend to pressing public business of such districts, this act must go into immediate effect.

CHAPTER 248

An act to amend Section 8305.5 of the Fish and Game Code, relating to abalone.

[Approved by Governor June 30, 1972. Filed with
Secretary of State June 30, 1972.]

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

SECTION 1. Section 8305.5 of the Fish and Game Code is amended to read:

8305.5. In District 19, within one mile of the shores of San Nicolas, San Clemente, and San Miguel Islands and in less than 20 feet of water, abalones may be taken for commercial purposes.

This section shall remain in effect only until the 91st day after adjournment of the 1974 Regular Session of the Legislature and shall have no force or effect after that date.

CHAPTER 249

An act to amend Section 8693 of the Fish and Game Code, relating to gill nets.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 8693 of the Fish and Game Code is amended to read:

8693. In Districts 17, 18, 19, and 20A, drift gill nets and set gill nets may be used except for the taking of salmon and except for the taking of rockfish or lingcod between a line running due west magnetic from the south steamplant stack at Moss Landing and a line running due west magnetic from the lighthouse at Point Pinos in waters between 40 and 60 fathoms from sunset Thursday to sunset Sunday and except between a line running due west magnetic from the south steamplant stack at Moss Landing and a line running due west magnetic from Hurricane Point in water less than 40 fathoms except that loads or lots of fish taken in these areas may contain 200 pounds or less of rockfish and lingcod, in combination, but in no instance more than 100 pounds of rockfish.

CHAPTER 250*An act making an appropriation to be used for venereal disease education and control, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. The sum of two hundred thirty-eight thousand dollars (\$238,000) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure, in augmentation of Item No. 245 of the Budget Act of 1971, to be used for venereal disease education and casefinding and followup.

From the amount hereby appropriated, necessary funds shall be made available to the State Department of Education to conduct workshops and in-service training clinics for teachers and administrators in the methods and materials for venereal disease education, and the development and distribution of teaching material for use by teachers and students in such courses. Such funds shall be allocated in a manner mutually agreed upon by the Director of the State Department of Public Health and the Superintendent of

Public Instruction.

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

The increased prevalence of venereal disease requires that additional funds for venereal disease education, casefinding and followup be made available immediately.

CHAPTER 251

An act to repeal Section 65560 of, to add Section 65560 to, and to amend Sections 65302, 65563, 65700 and 65910 of, the Government Code, relating to plans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972 Filed with
Secretary of State June 30, 1972]

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

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land-use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land-use element of the plan.

(c) A housing element, to be developed pursuant to regulations established under Section 37041 of the Health and Safety Code, consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall make adequate provision for the housing needs of all economic

segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

- (1) The reclamation of land and waters.
- (2) Flood control.
- (3) Prevention and control of the pollution of streams and other waters.
- (4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (5) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (6) Protection of watersheds.
- (7) The location, quantity and quality of the rock, sand and gravel resources.

The conservation element shall be prepared and adopted no later than June 30, 1973.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

(g) A noise element in quantitative, numerical terms, showing contours of present and projected noise levels associated with all existing and proposed major transportation elements. These include but are not limited to the following:

- (1) Highways and freeways,
- (2) Ground rapid transit systems,
- (3) Ground facilities associated with all airports operating under a permit from the State Department of Aeronautics.

These noise contours may be expressed in any standard acoustical scale which includes both the magnitude of noise and frequency of its occurrence. The recommended scale is sound level A, as measured with A-weighting network of a standard sound level meter, with corrections added for the time duration per event and the total number of events per 24-hour period.

Noise contours shall be shown in minimum increments of five decibels and shall be continued down to 65 db(A). For regions involving hospitals, rest homes, long-term medical or mental care, or outdoor recreational areas, the contours shall to be continued down to 45 db(A).

Conclusions regarding appropriate site or route selection

alternatives or noise impact upon compatible land uses shall be included in the general plan.

The state, local, or private agency responsible for the construction or maintenance of such transportation facilities shall provide to the local agency producing the general plan, a statement of the present and projected noise levels of the facility, and any information which was used in the development of such levels.

(h) A scenic highway element for the development, establishment, and protection of scenic highways pursuant to the provisions of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

The requirements of this section shall apply to charter cities.

SEC. 1.5. Section 65560 of the Government Code is repealed.

SEC. 2. Section 65560 is added to the Government Code, to read:

65560. (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

SEC. 3. Section 65563 of the Government Code as amended by Chapter 2, Statutes of 1971 (First Extraordinary Session), is amended to read:

65563. On or before June 30, 1973, every city and county shall prepare, adopt and submit to the Secretary of the Resources Agency a local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction. Every city and county shall by August 31, 1972, prepare, adopt and submit to the Secretary of the Resources Agency, an interim open-space plan, which shall be in effect until June 30, 1973, containing, but not limited to, the following:

(a) The officially adopted goals and policies which will guide the preparation and implementation of the open-space plan; and

(b) A program for orderly completion and adoption of the open-space plan by June 30, 1973, including a description of the methods by which open-space resources will be inventoried and conservation measures determined.

SEC. 4. Section 65700 of the Government Code is amended to read:

65700. The provisions of this chapter shall not apply to a charter city, except to the extent that the same may be adopted by charter or ordinance of the city; except that charter cities shall adopt general plans in any case, and such plans shall be adopted by resolution of the legislative body of the city, or the planning commission if the charter so provides, and such plans shall contain the mandatory elements required by Article 5 (commencing with Section 65300) of Chapter 3 of this title.

SEC. 5. Section 65910 of the Government Code is amended to read:

65910. Every city and county by June 30, 1973, shall prepare and adopt an open-space zoning ordinance consistent with the local open-space plan adopted pursuant to Article 10.5 (commencing with Section 65560) of Chapter 3 of this title.

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

Postponement of required date of submission of open-space and conservation plans must become effective immediately in order to allow cities and counties adequate time for study and preparation of plans prior to submission.

CHAPTER 252

An act relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. During the 1971-72 fiscal year, county hospitals and teaching hospitals operated by the Regents of the University of California shall not be required to present itemized or per diem billings for services rendered to Medi-Cal beneficiaries. However, they shall be required to submit bills in a manner prescribed by the Director of Health Care Services, on a quarterly basis. Further, the Director of Health Care Services shall certify to the accuracy of such billings prior to payment of the billings, and these billings shall not be subject to further review once the certifications are made, except that determination of an adjustment to reasonable cost may be made where provided for under the Medi-Cal hospital reimbursement formula.

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

In order for this act to operate for the current fiscal year, it is essential that it take effect immediately.

CHAPTER 253

An act to amend Section 26636 of the Health and Safety Code, relating to drugs, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1972. Filed with Secretary of State June 30, 1972.]

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

SECTION 1. Section 26636 of the Health and Safety Code is amended to read:

26636. Any drug subject to Section 26660 is misbranded unless the manufacturer, packer, or distributor of the drug includes, in all advertisements and other descriptive matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug, a true statement of all of the following:

(a) The established name, printed prominently and in a type at least half as large as that used for any proprietary name of the drug.

(b) The formula showing quantitatively each ingredient of the drug to the extent required for labels under Section 26635.

(c) The name and place of business of the manufacturer that produced the finished dosage form of the drug, as prescribed by regulations issued by the State Department of Public Health. This subdivision shall apply only to advertisements or descriptive matter issued for drugs manufactured in finished dosage form on or after April 1, 1973.

(d) Such other information, in brief summary relating to side effects, contraindications, and effectiveness as shall be required by regulations promulgated by the department.

Regulations relating to side effects, contraindications, and effectiveness issued pursuant to Section 502(n) of the federal act (21 U.S.C. Sec. 352(n)) are the regulations establishing information requirements relating to side effects, contraindications and effectiveness in this state. The department may, by regulation, make other requirements relating to side effects, contraindications, and effectiveness whether or not in accordance with the regulations adopted under the federal act.

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

This act would extend exemptions from requirements that the name and place of business of the manufacturer of the finished dosage of a drug be included in all advertisements and other descriptive matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug. In order that the extension will be effective on July 1, 1972, it is necessary that this act becomes effective immediately.

CHAPTER 254

An act to amend Section 28686 of the Health and Safety Code, relating to sanitation and health requirements for restaurants, itinerant restaurants, vehicles, and vending machines.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972]

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

SECTION 1. Section 28686 of the Health and Safety Code is amended to read:

28686. All employees preparing, serving, or handling food shall wear clean, washable outer garments or other clean uniforms and shall keep their hands clean at all times while engaged in handling food, beverage, or utensils. All such employees shall wash their hands

and arms with soap or detergent and warm water before commencing work after using toilet facilities, and before returning to work, and at such other times as are necessary to prevent contamination of food.

All such employees shall wear hairnets, caps, headbands, or other suitable coverings to confine their hair when reasonably required to prevent the contamination of foods, beverages, or utensils. Wherever practical, employees serving food shall use tongs or other implements rather than their hands. The use of tobacco in any form by any employee while handling or serving food, beverage, or utensils is prohibited. No employee or other person shall use tobacco in any form in any room or space used primarily for the preparation of food, and the employer shall post and maintain "No Smoking" signs in such rooms or places.

CHAPTER 255

An act to amend Section 17503 of the Education Code, relating to public schools.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972]

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

SECTION 1. Section 17503 of the Education Code as amended by Chapter 519 of the Statutes of 1971, is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code provided, however, that the cost of all health and welfare benefits provided to the teachers by the school district shall be included within the meaning of salaries of classroom teachers.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 20607 of this code for administration, instruction (including salaries and other expense), health services, operation of plant, maintenance of plant, and fixed charges. "Current expense of education" shall not include those purposes classified as transportation of pupils, food service, community service, capital outlay, state school building loan repayment; and shall not include the amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of

1964" or any extension of such act of Congress or the amount expended by a community college from state or federal funds received by the community college for grants to community college students or for the employment of community college students.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a community college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars (\$1,000), and if the amount is one thousand dollars (\$1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the Superintendent of Public Instruction shall

order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

CHAPTER 256

An act to amend Section 68097 of the Government Code, relating to witness fees.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972]

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

SECTION 1. Section 68097 of the Government Code is amended to read:

68097. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid except as hereinafter provided for members of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals and city policemen.

For the purposes of this section and Sections 68097.1 through 68097.10, the term "member of the California Highway Patrol" shall include those persons employed as vehicle inspection specialists by the California Highway Patrol.

CHAPTER 257

An act to amend, repeal, and add Section 10666 of the Fish and Game Code, relating to refuges.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972]

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

SECTION 1. Section 10666 of the Fish and Game Code is amended to read:

10666. In the James V. Fitzgerald Marine Reserve the following fish, mollusks and crustaceans may be taken under the authority of

a sport fishing license as authorized by this code: abalone, rockfish (Sebastodes), lingcod, perch, eel, croaker, halibut and surf fish. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 2. Section 10666 is added to the Fish and Game Code, to read:

10666. In the James V. Fitzgerald Marine Reserve the following fish, mollusks and crustaceans may be taken under the authority of a sport fishing license as authorized by this code: abalone, rockfish (Sebastodes), lingcod, perch, croaker, halibut and surf fish. All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

This section shall become operative on January 1, 1978.

SEC. 3. It is the intent of the Legislature that the amendments to Section 10666 of the Fish and Game Code which are made by Section 1 of this act shall remain in effect only until January 1, 1978, and on that date Section 2 of this act shall become operative to restore Section 10666 to the form in which it read immediately prior to the effective date of this act.

CHAPTER 258

An act to amend Section 61600 of the Government Code, relating to community services districts.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972]

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

SECTION 1. Section 61600 of the Government Code is amended to read:

61600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses,

swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

(l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a 'public agency' or a 'public utility' as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of such conversion in accordance with the provisions of Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation and maintenance of such facilities. Nothing herein contained shall be construed as giving a district formed under this law the power to install, own or operate such facilities as are described in this subdivision.

(m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.

(n) To provide and maintain public airports and landing places for aerial traffic.

CHAPTER 259

An act to amend Section 5010.1 of the Public Resources Code, relating to the state park system.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972]

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

SECTION 1. Section 5010.1 of the Public Resources Code is amended to read:

5010.1. The department may contract with any public or private agency, corporation, or concessionaire for the collection of fees and

rentals and the operation of a reservation system for the state park system. The contract may provide that such agency, corporation, or concessionaire may retain a portion of such fee or rental as reimbursement for the cost of its services.

CHAPTER 260

An act to amend Section 71341 of the Government Code, relating to justice courts.

[Approved by Governor July 3, 1972. Filed with Secretary of State July 3, 1972.]

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

SECTION 1. Section 71341 of the Government Code is amended to read:

71341. Sessions of a municipal or justice court may be held at any place or places within the district for which the court is established. The board of supervisors shall designate by ordinance the place or places within the district where sessions of the justice court shall be held. It may change the places if public convenience requires, and in counties in which there are one or more but less than 10 municipal courts may provide for holding sessions of a municipal court in any district of the county in which a justice court is established for the purpose of hearing cases above the jurisdiction of justice courts.

CHAPTER 261

An act to amend Section 2809 of the Vehicle Code, relating to vehicle weight limitations.

[Approved by Governor July 3, 1972. Filed with Secretary of State July 3, 1972.]

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

SECTION 1. Section 2809 of the Vehicle Code is amended to read:

2809. All scales and weighing instruments used by any member of the California Highway Patrol to enforce the provisions of this code with respect to weight limitations shall be inspected and certified as to accuracy at least once in each calendar year by the Bureau of Weights and Measures of the Department of Agriculture or by a county sealer of weights and measures.

CHAPTER 262

An act to amend Section 21712 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 3, 1972. Filed with Secretary of State July 3, 1972.]

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

SECTION 1. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This subdivision does not apply to an employee engaged in the necessary discharge of his duty or to persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(b) No person shall drive a motor vehicle which is towing a trailer coach or camp trailer containing any passenger.

(c) No person shall knowingly drive a motor vehicle which is towing any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle.

SEC. 2. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(c) Subdivisions (a) and (b) shall not apply to an employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(d) No person shall drive a motor vehicle which is towing a trailer coach or camp trailer containing any passenger.

(e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1970 are both chaptered and amend Section 21712 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1970, that the amendments to Section 21712 proposed by both bills be given effect and incorporated in Section 21712 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1970 are both chaptered, both amend Section 21712, and Assembly Bill No. 1970 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 263

An act to amend Sections 21682 and 21683 of the Public Utilities Code, relating to aviation.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972.]

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

SECTION 1. Section 21682 of the Public Utilities Code, as amended by Chapter 134 of the Statutes of 1971, is amended to read:

21682. (a) The department shall, subject to the provisions of Section 21684, pay from the fund to each public entity owning and operating an airport or airports under a valid permit issued by the department the sum of five thousand dollars (\$5,000) annually for each such airport, to be expended solely for airport and aviation purposes. No payment made under this section is transferable, but shall be expended only upon the airport for which the payment is made; provided, that the department may grant a waiver in extenuating circumstances.

(b) The department shall, subject to the provisions of Section 21684, pay from the fund to the University of California the sum of five thousand dollars (\$5,000) annually for each airport used by the general public and owned and operated by the university under a valid permit issued by the department, to be expended solely for airport and aviation purposes. No payment made under this section is transferable, but shall be expended only upon the airport for which the payment is made; provided, that the department may grant a waiver in extenuating circumstances.

(c) If, in any year, there is insufficient money in the fund to make the payments specified in subdivisions (a) and (b), the department shall, subject to the provisions of Section 21684, pay to each such public entity an amount which is equal to the total amount of money in the fund multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity for which payment is required to be made pursuant to subdivisions (a) and (b) bear to the total number of airports for which payment is required to be made pursuant to subdivisions (a) and (b).

(d) No moneys paid under this section shall be expended for operation and maintenance.

(e) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

(f) No payment shall be made under this section to any public entity or the University of California for any airport for any year in which the department allocates twenty-five thousand dollars

(\$25,000) or more to such entity or the university for that airport pursuant to Section 21683.

(g) The Department of Aeronautics may make regulations to implement the provisions of this section.

SEC. 2. Section 21683 of the Public Utilities Code is amended to read:

21683. Any balance remaining in the fund after the payments made under Section 21682 shall be used at the discretion of the board for airport and aviation purposes, subject to the provisions of Section 21684.

Any public entity may apply to the department each year for the allocation of funds for the acquisition or development of airports. The board may, pursuant to rules and regulations promulgated by the department, make an allocation to such public entity if it determines that the proposed acquisition or development is feasible and in accordance with the policies and standards established by the department. The department shall make recommendations to the board on all applications. Such allocations will be represented as subventions in the department budget in accordance with Section 21206.

No moneys paid under this section shall be expended for operation and maintenance. No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

CHAPTER 264

An act to amend Section 10434 of the Insurance Code, relating to insurance.

[Approved by Governor July 3, 1972. Filed with Secretary of State July 3, 1972.]

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

SECTION 1. Section 10434 of the Insurance Code is amended to read:

10434. An admitted life insurer shall not pay nor contract to pay, directly or indirectly, any compensation contingent upon the acts set forth in subdivision (a) to any of the parties specified in subdivision (b):

(a) It shall not pay to such party any commission or other compensation contingent upon any of the following acts:

(1) The writing or procuring of any policy of life, disability or both classes of insurance in such insurer.

(2) Procuring an application therefor by any person.

(3) The payment of any renewal premium or the assumption of any life, disability or both of these classes of insurance by such insurer.

(b) It shall not pay such compensation to:

(1) Its president.

(2) Its vice president.

(3) Its secretary.

(4) Its treasurer.

(5) Its actuary.

(6) Its medical director or other physician charged with the duty of examining risks or applications for any of these classes of insurance.

(7) Any member of its board of directors, except when such compensation to be paid to such director would be less than the lesser of 1 percent of the insurer's statutory net gain from operations or 1 percent of commissions on premiums and annuity considerations for the preceding calendar year. This exception shall not apply when more than two of the members of the board of directors of the insurer, when the total number of board members is more than 10, or more than one of the members of the board of directors of the insurer, when the total number of board members is less than 10, would receive such compensation, nor shall this exception apply to any director who has served more than two years as a director. Any director receiving compensation pursuant to this paragraph shall be ineligible to vote on all matters directly relating to such compensation and shall not be counted for purposes of a quorum as to such matters.

(8) Any officer of the insurer other than its agent or solicitor.

(c) Where the commissioner finds after hearing that an admitted foreign insurer is engaged in any other state or country in any of the acts prohibited to domestic insurers by this section and that the solvency of such an insurer is endangered by such acts, he shall notify the insurer to discontinue such acts. Upon receipt of such an order, the insurer shall discontinue such acts.

CHAPTER 265

An act to add Section 18716 to the Business and Professions Code, relating to professional boxing.

[Approved by Governor July 3, 1972 Filed with
Secretary of State July 3, 1972.]

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

SECTION 1. Section 18716 is added to the Business and Professions Code, to read:

18716. A manager of a professional boxer licensed under this chapter shall, beginning January 1, 1973, and every three months thereafter, furnish a written report to the commission, under a declaration of perjury, showing all of the following with respect to each contest in which the professional boxer has participated in California during the preceding three months:

- (a) Training expenses.
- (b) Amount of money actually paid to the boxer.
- (c) Amount of money which the manager received from the purse.
- (d) Amount of money owed to the manager by the boxer.

CHAPTER 266

An act to amend Sections 20017.76, 20393.1, 20750.2, 20750.3, 20750.4, 20750.42, 21258.1 and 21300 of, to add Sections 20840 and 21252 to, and to repeal Sections 20750.26, 20750.36, 20750.37, 20750.41, 20750.425, 20839, 20840, 21250.1, 21251.1, 21251.14, 21251.141, 21251.143, 21251.145, 21251.2, 21251.3, 21251.75, 21252, 21252.001, 21253, 21258, 21261.5 and 21337 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 3, 1972. Filed with Secretary of State July 3, 1972.]

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

SECTION 1. Section 20017.76 of the Government Code as amended by Chapter 1089 of the Statutes of 1971 is amended to read:

20017.76. Notwithstanding the provisions of Section 20017.75, "law enforcement member" shall also include those persons while employed by the San Francisco Port Authority prior to their transfer to the San Francisco Port Commission whose principal duties consisted of active law enforcement and who were peace officers, as defined in Section 830.35 of the Penal Code, but excluding any person whose principal duties did not clearly fall within the scope of active law enforcement even though such person was subject to occasional call, or was called upon occasionally, to perform duties within the scope of active law enforcement.

Notwithstanding the provisions of Section 20602.92, the rate of contribution provided for in Sections 20603.4 and 20604.7 with respect to a person who becomes a "law enforcement member" under this section, shall apply only to compensation paid such person on and after the operative date of this section.

SEC. 2. Section 20393.1 of the Government Code is amended to read:

20393.1. Notwithstanding any other provisions of law, a member of this system who elects to leave his accumulated contributions on file in this system while such member is a marshal of all the municipal courts in a county and a member of a retirement system established under the County Employees' Retirement Law of 1937, shall not be retired except upon his application prior to attaining age 65 or vacating such office.

SEC. 3. Section 20750.2 of the Government Code is amended to read:

20750.2. An employer's contribution to the retirement fund in respect to state patrol members is a sum equal to 27.57 percent of the compensation paid state patrol members employed by such employer.

SEC. 4. Section 20750.26 of the Government Code as added by Chapter 1617 of the Statutes of 1971 is repealed.

SEC. 5. Section 20750.3 of the Government Code is amended to read:

20750.3. An employer's contribution to the retirement fund in respect to forestry members is a sum equal to 15.06 percent of the compensation paid forestry members employed by such employer.

SEC. 6. Section 20750.36 of the Government Code as added by Chapter 1617 of the Statutes of 1971 is repealed.

SEC. 7. Section 20750.37 of the Government Code is repealed.

SEC. 8. Section 20750.4 of the Government Code is amended to read:

20750.4. An employer's contribution to the retirement fund in respect to warden members is a sum equal to 15.44 percent of the compensation paid warden members employed by such employer.

SEC. 9. Section 20750.41 of the Government Code as added by Chapter 1617 of the Statutes of 1971 is repealed.

SEC. 10. Section 20750.42 of the Government Code is amended to read:

20750.42. An employer's contribution to the retirement fund in respect to law enforcement members is a sum equal to 19.03 percent of the compensation paid law enforcement members employed by such employer.

SEC. 11. Section 20750.425 of the Government Code as added by Chapter 1617 of the Statutes of 1971 is repealed.

SEC. 12. Section 20839 of the Government Code is repealed.

SEC. 13. Section 20840 of the Government Code is repealed.

SEC. 14. Section 20840 is added to the Government Code, to read:
20840. Notwithstanding the repeal of Sections 20839 and 20840 at the 1972 Regular Session, prior service credited and prior service pensions and disability retirement pensions being paid on the operative date of this section pursuant to such sections shall be continued subject to the terms and conditions under which they were granted.

SEC. 15. Section 21250.1 of the Government Code is repealed.

SEC. 16. Section 21251.1 of the Government Code is repealed.

- SEC. 17. Section 21251.14 of the Government Code is repealed.
SEC. 18. Section 21251.141 of the Government Code is repealed.
SEC. 19. Section 21251.143 of the Government Code is repealed.
SEC. 20. Section 21251.145 of the Government Code is repealed.
SEC. 21. Section 21251.2 of the Government Code is repealed.
SEC. 22. Section 21251.3 of the Government Code is repealed.
SEC. 23. Section 21251.75 of the Government Code is repealed.
SEC. 24. Section 21252 of the Government Code is repealed.
SEC. 25. Section 21252 is added to the Government Code, to read:

21252. The current and prior service pensions for a state miscellaneous, school and local miscellaneous member retired with an effective date prior to July 1, 1971, shall be in the amount determined in accordance with the provisions of this part as they read and applied to such member on June 30, 1971, subject to continuing adjustment under Article 1.5 (commencing with Section 21220) of Chapter 9 of this part.

SEC. 26. Section 21252.001 of the Government Code is repealed.

SEC. 27. Section 21253 of the Government Code is repealed.

SEC. 28. Section 21258 of the Government Code is repealed.

SEC. 29. Section 21258.1 of the Government Code is amended to read:

21258.1. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions.

(b) If a member entitled to credit for prior service retires on or after July 1, 1971, and after attaining the compulsory age for service retirement applicable to him, or if a member is entitled to be credited with 20 years of continuous state service and retires after attaining age 60, and his retirement allowance is less than one thousand two hundred dollars (\$1,200) per year and less than his final compensation, his prior or current service pension, as the case may be, shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one thousand two hundred dollars (\$1,200) per year, or his final compensation, whichever is less.

The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions.

If a member to whom this section applies is employed by more than one employer, his aggregate retirement allowances shall be taken into account irrespective of the employer.

SEC. 30. Section 21261.5 of the Government Code is repealed.

SEC. 31. Section 21300 of the Government Code is amended to read:

21300. If, prior to attaining the minimum age for voluntary retirement for service applicable to members of his class, a recipient of a disability retirement allowance other than one for industrial disability engages in a gainful occupation not in state service, the board shall reduce his monthly disability retirement pension to an

amount which, when added to the compensation earned monthly by him, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

If his earnings are further altered, the board may further alter his disability retirement pension to the lower of the following amounts:

(a) The amount of the disability retirement pension upon which he was originally retired.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or, if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

When he reaches the minimum age for voluntary retirement for service applicable to members of his class his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified for any cause.

SEC. 32. Section 21337 of the Government Code is repealed.

CHAPTER 267

An act to add Sections 18745.5 and 18745.6 to the Business and Professions Code, relating to professional boxing.

[Approved by Governor July 3, 1972. Filed with Secretary of State July 3, 1972.]

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

SECTION 1. Section 18745.5 is added to the Business and Professions Code, to read:

18745.5. (a) A professional boxer who intentionally hits the other contestant with a rabbit punch or with a punch on that part of the body over the kidneys in a professional boxing contest shall be penalized by loss of a point or a fraction thereof for each such punch.

(b) Determination that a boxer has violated this section shall be made at the end of the round in which the violation occurred and prior to the next round by the referee or, if judges are used in conjunction with the referee, by any two officials. Upon such a determination, each such official shall penalize the boxer pursuant to subdivision (a).

(c) Upon a determination that this section has been violated, the referee shall inform both boxers and their managers at the end of the round in which the violation occurs and prior to the next round, and inform the audience of the penalty thus assessed. In any such case,

the rest period prescribed by Section 18739 may be extended at the direction of the referee.

SEC. 2. Section 18745.6 is added to the Business and Professions Code, to read:

18745.6. Referees of boxing contests shall enforce the rules and regulations of the commission. The commission shall, pursuant to the authority given it in Sections 18672, 18673, 18681, 18682.5 and 18682.6, discipline referees of boxing contests who fail to enforce the commission's rules and regulations.

CHAPTER 268

An act to amend Section 24007 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972.]

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

SECTION 1. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used motor vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is either (1) sold to another dealer, or (2) sold for the purpose of being wrecked or dismantled, or (3) sold exclusively for off-highway use.

(b) No person shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is either (1) sold to a dealer, or (2) sold for the purpose of being wrecked or dismantled. A dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

Effective February 1, 1973, with respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, a dealer may transmit,

in lieu of such certificate of compliance, a statement, in the form approved by the commissioner, signed by the dealer indicating that the dealer has made no carburetor or ignition adjustment or other alteration or modification of the vehicle's exhaust emission control device or system.

SEC. 2. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is either (1) sold to another dealer, or (2) sold for the purpose of being wrecked or dismantled, or (3) sold exclusively for off-highway use.

(b) No person shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is either (1) sold to a dealer, or (2) sold for the purpose of being wrecked or dismantled. A dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

Effective February 1, 1973, with respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, a dealer may transmit, in lieu of such certificate of compliance, a statement, in the form approved by the commissioner, signed by the dealer indicating that the dealer has made no carburetor or ignition adjustment or other alteration or modification of the vehicle's exhaust emission control device or system.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 149 are both chaptered and amend Section 24007 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 149, that the amendments to Section 24007 proposed by both bills be given effect and incorporated in Section 24007 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 149 are both chaptered, both amend Section 24007, and Senate Bill No. 149 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 269

An act relating to air transportation.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972.]

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

SECTION 1. That allocation of twenty thousand dollars (\$20,000) made from the Aeronautics Fund by the Department of Aeronautics to the City of Chowchilla and expended by the city for the purchase of real property in connection with the expansion of the city's airport is hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since special facts and circumstances applicable to the City of Chowchilla, and not generally applicable, make the accomplishment of this purpose impossible by any general law. There exists a dispute as to the validity of an allocation made by the Department of Aeronautics to the City of Chowchilla from the Aeronautics Fund for airport expansion purposes based on a good faith expenditure of these funds. The Legislature further finds and declares that this is the only such acquisition of property involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the City of Chowchilla is therefore necessary.

CHAPTER 270

An act to amend Sections 3, 5, 5.5, 6.1, 6.2, 7, 11, 13, 14, 18, 18.5, 22, 27, and 31 of, to add Sections 3.2, 3.3, 5.6, 5.7, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 19, 19.1, 19.2, 19.3, and 19.4 to, and to repeal Sections 3.2, 19, 19.1, and 27.7 of, the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), relating to the Contra Costa County Flood Control and Water Conservation District.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972.]

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

SECTION 1. Section 3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones or subzones within said district without reference to the boundaries

of other zones or subzones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone or subzone projects for the specific benefit of such zones or subzones. Such zones shall, as far as practicable, include complete watersheds. Any subzone formed shall be entitled with a zone number and a letter of the alphabet.

Such zones or subzones may also be established in the manner prescribed in Section 11 of this act, independently of the institution of any project relating to such zone or subzone.

Alternately, such zones or subzones may be formed concurrently with and as a part of the proceeding for the installation of a project relating to such zones or subzones in the manner prescribed in Section 11 of this act.

If prior to taking final action to form any zone or subzone, the exterior boundaries of which will include any lands lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors receives the resolution or ordinance adopted by a majority of the members of the governing body of such city requesting exclusion of such city territory from the zone or subzone, the board shall exclude such territory.

SEC. 2. Section 3.2 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is repealed.

SEC. 3. Section 3.2 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 3.2. Any parcel, parcels, or tract of land may be annexed to a zone or subzone, and any parcel, parcels, or tract of land within any zone or subzone may be excluded where such annexation or exclusion is required due to land division or development affecting, or requiring the adjustment of existing zone or subzone boundaries. Proceedings for annexation or exclusion may be instituted by the board by resolution specifying its intention to annex or exclude such parcel, parcels, or tract of land, describing the proposed land to be annexed or excluded and specifying a time and place for public hearing on such resolution, which public hearing may be held at any place within the district, and directing the clerk to give notice of such public hearing, as hereinafter provided. In the alternative, such proceedings may be instituted by the filing with the board of a petition signed by 10 percent or more of the owners, as defined in Section 11, of the land to be annexed or excluded. The petition shall contain:

- (a) The name of the zone or subzone affected by the annexation or exclusion.
- (b) The reason for annexation or exclusion of the land.
- (c) A description of the land to be annexed or excluded.
- (d) The assent of the petitioners to the annexation or exclusion.
- (e) A request that the described land be annexed to or excluded from the zone or subzone.

When the petition has been filed with the board, the board shall fix a time and place for a hearing thereon, which public hearing may be held at any place within the district, and cause a notice of such hearing to be given as provided in Section 3.3. The notice shall state:

(a) The date the petition was filed.
(b) The location and boundaries of the land described in the petition.

(c) The prayer of the petition.

(d) The time and place fixed for hearing on the petition.

(e) That all persons interested in or affected by such change in the zone or subzone boundaries may appear and show cause why the change should not be made. At the hearing, the board shall hear all relevant evidence for or against the petition.

Failure to show cause by any person interested in or affected by the change is deemed to be his assent to any change the board may make in the zone or subzone boundaries.

At the conclusion of the hearing, if it deems the annexation or exclusion of all or part of the land to be for the best interests of the zone or subzone, the board may by resolution annex or exclude all or part of the land described in the petition and shall, in such resolution, describe the zone or subzone boundaries as changed. If no effective date for such annexation or exclusion is specified in the resolution, then the effective date shall be deemed to be the date of the resolution.

The exclusion of any land or territory from a zone or subzone does not release such land or territory from any debts or obligations for which it was liable at the time of the exclusion unless otherwise specified in the resolution of exclusion.

In the case of annexation, the board may require that the owners of annexed land shall pay a sum not to exceed the amount of the taxes or assessments which the owners or their predecessors in interest would have been required to pay if the annexed land had been included in the zone or subzone when it was formed.

SEC. 4. Section 3.3 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 3.3. Zones, subzones, or drainage areas may be dissolved in the following manner:

(a) (1) The board may adopt a resolution specifying its intention to dissolve a zone, subzone, or drainage area and fixing the time and place for a public hearing on the resolution, which public hearing may be held at any place within the district. The resolution shall name or describe the zone, subzone, or drainage area and notice of the hearing shall be given as hereinafter provided; or

(2) A petition signed by 10 percent or more of the landowners in the zone, subzone, or drainage area as defined in Section 11 hereof, may be addressed to and filed with the board. The petition may be filed in sections. Each section shall comply with all the requirements for a petition, except that it need not contain all the signatures

required for the petition. The petition shall:

- (i) State the name of the zone, subzone or drainage area.
- (ii) Request that the zone, subzone, or drainage area be dissolved pursuant to this act.
- (iii) Request that a time and place be fixed for a public hearing upon said petition.

Upon presentation and filing of the petition, the board shall fix a time and place for a public hearing thereon. Such public hearing may be held at any place within the district.

(b) If there is a newspaper of general circulation in the zone, subzone, or drainage area notice shall be given by publication in the newspaper once a week for two consecutive weeks prior to the hearing, the last publication of which must be at least seven days before the hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of 14 days prior to the hearing in three public places in the zone, subzone, or drainage area. The notice of hearing shall state the following:

- (1) The name of the zone, subzone, or drainage area.
- (2) That a resolution has been passed by the board declaring its intention to dissolve the zone, subzone, or drainage area or that a petition has been filed with the board requesting dissolution of the zone, subzone, or drainage area.
- (3) That the resolution or petition may be inspected at the district's office.
- (4) The time and place for the public hearing on the said resolution or petition.

(5) That protests will be considered at the hearing.

(c) At the time and place fixed for the hearing or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the dissolution of the zone, subzone, or drainage area. After the conclusion of the hearing, the board may by resolution dissolve the zone, subzone, or drainage area. If no effective date for the dissolution is specified in the resolution, the dissolution shall be deemed effective as of the date of the resolution. If the zone, subzone, or drainage area is not so dissolved, it shall be deemed to be continued in uninterrupted existence.

(d) The dissolution of a zone, subzone, or drainage area does not relieve the property in the zone, subzone, or drainage area from any debts, obligations, or liabilities for which it was liable at the time of the dissolution.

(e) A zone may not be dissolved pursuant to this section until one of the following conditions exists;

- (1) All debts, obligations, and liabilities are paid
- (2) There is sufficient cash in the county treasury standing to the credit of such zone to pay all debts, obligations, and liabilities in full as they become due.

(b) Upon dissolution of a zone, subzone, or drainage area the right, title, and interest to any property or funds owned or controlled by, or held for the zone, subzone, or drainage area, or for the benefit

of the zone, subzone, or drainage area, whether in the county treasury or in any other place or manner, shall vest absolutely in the district and may be used for any district purposes unless otherwise specified in the resolution of dissolution.

SEC. 5. Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to

intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California or any of its engineers, officers, boards, commissions, departments, or agencies, the United States of America, or any federal department or agency, or with any public or private corporation, or with the County of Contra Costa or adjacent counties, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The

district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to employ for

temporary services only, expert appraisers, consultants, attorneys, and technical advisers, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, including property required for recreational facilities, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and notwithstanding any other provision of this act or any other law, no property shall be taken by eminent domain unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose

authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of Contra Costa and cities and districts within the county, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Contra Costa.

15. To construct, accept, maintain, repair, or otherwise improve structures or channels for any purpose, in whole or in part, related to the purposes and powers of the district, or perform any act necessary or incidental to the complete exercise and effect of any of its powers.

16. The district may provide, operate, maintain, and charge for public use of recreation facilities in connection with flood control works and improvements within the jurisdiction of the district.

17. In connection with flood control works and related improvements, the district may install and maintain appropriate landscaping and take other actions as necessary for the purpose of mitigation of environmental damage resulting from such works and improvements.

18. The district may cause to be designed and inserted in the specifications and contract for any flood control channel or storm drain planned to be constructed under this act as an open channel, provision for the construction in conjunction therewith of facilities for the covering or crossing over of any such portion, or a part of such portion, if, in the judgment of such governing body, such crossing or covering will not impair the usefulness of such flood control channel or storm drain and will not be otherwise adverse to the best interests of the district.

SEC. 6. Section 5.5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 5.5. The board, pursuant to Sections 5.1, 5.2, 5.3, and 5.4, may order the construction of all structures and appurtenances, channels, culverts, ditches and any work incident to the collection and control of storm waters in the whole or any portion of any of the streets, highways, or public places or in property or in rights-of-way owned by the district; provided, that said district shall first obtain the

consent to such assessment district work from the legislative body or other agency having jurisdiction of the territory within which any of the proposed work is to be done.

SEC. 7. Section 5.6 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 5.6. The district may make and enforce within its boundaries, including both unincorporated and incorporated territory, if any, all necessary and proper ordinances and regulations for:

(a) The protection, control and maintenance of natural and artificial watercourses, drainage structures, dams, reservoirs, levees, water distribution and conservation facilities and rights-of-way therefor or appurtenant thereto.

(b) All other flood control and water conservation purposes consistent with this act and not in conflict with the laws of this state.

SEC. 8. Section 5.7 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 5.7. Any violation of an ordinance or regulation of the district is a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100), or imprisonment not to exceed 30 days, or by both such fine and imprisonment. Any such violation or threatened violation may also be enjoined by civil suit.

SEC. 9. Section 6.1 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 6.1. As provided in this section, the board may appoint a commission consisting of five (5) members who shall be residents of the County of Contra Costa. The board may delegate any or all of its powers to the commission. The board may by resolution provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the commission shall serve four (4) year terms and may be replaced or reappointed by the board at the completion of their term. Terms shall be staggered so that not less than one nor more than two commissioners are to be regularly appointed in any one year. All vacancies shall be filled for the unexpired term of the commissioner whose office is vacant in the same manner as such commissioner received appointment, except that the board of supervisors shall allocate each office on the commission to a supervisorial district and appointments to any vacancy in such office shall be made by the supervisor then representing such supervisorial district.

When the board of supervisors has delegated any or all of its powers to the commission, the terms "board" and "board of supervisors" mean the commission. The commission may, by resolution, certified to by the chairman of the commission, take

action with reference to any and all matters which have been delegated to it by the Board of Supervisors of the County of Contra Costa.

SEC. 10. Section 6.2 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 6.2. Upon the formation of each zone pursuant to the provisions of this act, the board of supervisors shall appoint a zone advisory board composed of five resident electors of, or owner of real property within, said zone. Said zone advisory board shall be consulted by the board of supervisors or the commissioners of the district in all matters affecting such zone.

The board may appoint drainage area advisory boards for each drainage area composed of resident electors of, or owners of real property within, each such drainage area.

SEC. 11. Section 7 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 7. The county counsel, district attorney, county surveyor, county assessor, county tax collector, county clerk, county auditor, purchasing agent and county treasurer of the County of Contra Costa, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Contra Costa County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees, respectively, of the district, and shall respectively perform, unless otherwise provided by the board, the same various duties for the district as for said Contra Costa County, in order to carry out the provisions of this act.

All such officers, deputies, clerks and employees shall receive their actual necessary expenses in the performance of official duties under this act payable from the funds of the district. The board by resolution may make provision to fully compensate the county counsel for all costs of providing extraordinary legal services to the district. Officers, assistants, deputies, clerks and employees of the district may, without prejudice to their rights, be transferred to the service of the County of Contra Costa.

SEC. 12. Section 11 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the

proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given for a period of not less than twenty (20) days. If there is a newspaper of general circulation published or circulated in the territory proposed to be formed into a zone, notice shall be given by publication pursuant to Section 6066 of the Government Code. If there is no newspaper published or circulated in the territory, then such publication shall be made in a newspaper of general circulation which the board determines most likely to give notice to residents of the territory. Publication shall be complete at least seven (7) days before said hearing. If the exterior boundaries of such a proposed zone will include lands lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors shall submit to the governing body of such cities, a copy of the resolution specifying its intention to form such a zone and undertake such project. Such resolution shall be forwarded to any affected city at least 20 days before the date set for the public hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing either (1) a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board; or (2) a written petition for an election signed by at least 25 percent of the registered voters within such zone or within any of the participating zones for which the project was initiated, be filed with the board, in which event the board shall by resolution call a special election within such zone or zones for the purpose of determining whether the board shall proceed with such project. In such latter event, in all particulars not recited in such resolution, such special election shall be held as nearly as practicable in conformity with the general election laws of the state, and if a majority of the votes cast at such special election are against proceeding with such project further proceedings relating to such project must be suspended for not less than six months following the date of the election, or such proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Contra Costa next preceding the

filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his coowners or representatives or partners so to do, duly acknowledged by the consenting coowners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to coowners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 13. Section 12.1 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.1. The board shall also have power to prescribe, revise, and collect fees or charges for facilities furnished or to be furnished to any area, new building, improvement, or structure that will benefit from any flood control, storm drainage, water conservation or supply or sewerage system constructed or to be constructed in a zone of the district. Revenues derived under this section shall be used for the acquisition, construction, engineering reconstruction, maintenance, and operation of the flood control, storm drainage, water, or sewerage facilities of the zone, or to reduce the principal or interest of any bonded indebtedness thereof.

The board may also provide that any fees or charges collected pursuant to Section 12.2 of this act may be credited to or deducted from any fees or charges imposed under this section.

The collection of any fee, charge, or assessment to be levied under this Section or Section 12.2 of this act may be collected by the district notwithstanding any other provisions contained herein.

SEC. 14. Section 12.2 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.2. The board by resolution thereof adopted from time to time, may establish drainage areas within the district without reference to the boundaries of other zones or drainage areas, setting forth in such resolution descriptions thereof by metes and bounds and entitling each of such areas by an area designation or number, and institute drainage plans for the specific benefit of such areas.

If the exterior boundaries of such a proposed drainage area will include lands lying within the exterior boundaries of any city within the district, the board shall submit to the governing body of such city, a copy of the resolution specifying its intention to form such area and institute a drainage plan therefor. Such resolution shall be forwarded to any affected city at least 20 days before the date the board proposes to adopt the resolution establishing the drainage area. If prior to taking final action by resolution to form any area, the exterior boundaries of which will include any lands lying within the exterior boundaries of any city within the district, the board receives a resolution or ordinance adopted by a majority of the members of the governing body of such city requesting exclusion of such city

territory from the area, the board shall exclude such territory.

A drainage area may include all lands contributing to the drainage requirements of an area, excluding as necessary such lands as are already developed or those adequately served by existing local drainage facilities serving the area at the time of the adoption of a plan for additional drainage facilities from fees.

Whenever drainage facilities, conforming to the instituted drainage plan, are required in the development of any land within a drainage area and where, in the opinion of the board, it is necessary that other facilities be constructed which can be, or will be, used for the benefit of other property in the drainage area, and such drainage facilities are dedicated to the public, the board may contract with the developer and agree to reimburse, and may reimburse him, for all or any portion of such drainage facilities. Such contract shall provide that the board may collect a reasonable charge from any person, corporation, or agency using such facilities for the benefit of other property in the drainage area.

Fees may be collected pursuant to this section for payment of all or any portion of any such drainage facility costs if the costs, whether actual or estimated, are based upon findings by the board, that development of property within the planned drainage area will require construction of the facilities described in the drainage plan, and that fees are fairly apportioned within the local drainage area on the basis of benefits conferred on property within the area. The fee as to any property within the drainage area may be charged as a condition precedent to the development of such property, and no building permit therefor shall be issued until payment thereof, and such fee shall not exceed the pro rata share of the amount of the total actual or estimated costs of all such drainage facilities within the drainage area which would be assessable on such property if such costs were apportioned on a uniform fee schedule, excluding, however, such property within the area as, in the opinion of the board, is incapable of development from fees.

The fees collected by the district, pursuant to this section, shall be paid into a drainage facilities fund. A separate fund shall be established for each drainage area. Any money placed in such fund shall be expended solely for land acquisition, construction, engineering, repair, maintenance and operation or reimbursement for the same, in whole or in part, of local drainage facilities within the planned drainage area from which the fees comprising the fund were collected.

The term "developer," as used herein, shall include a subdivider, industrial developer, or any person, corporation, district, public or private agency, or group that may participate in the drainage facilities constructed pursuant to this section.

Any drainage facilities constructed in any drainage area may be installed by the developer at his sole cost and expense in accordance with plans and specifications prepared or approved by the district, by the district with its own funds, or by the district with funds

supplied by the developer, and the cost thereof may be collected and repaid, in whole or in part, in the manner provided for in this section.

SEC. 15. Section 12.3 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.3. Prior to the establishment of any benefit area pursuant to Section 12.1 or drainage area pursuant to Section 12.2 of this act, the board shall adopt a resolution specifying its intention to establish such benefit area or drainage area. Such resolution shall refer to a map or maps showing the general location of such area and be accompanied by a proposed ordinance prescribing whatever fees and charges, except ad valorem taxes and assessments to be imposed therein and fixing a time and place for public hearing of the resolution.

The notices required to be given for such hearing and the procedures to be followed at such hearing shall comply substantially with the requirements of Section 11 of this act.

The provisions of this section shall be exclusive in determining the proper procedure for the establishment of any special benefit area pursuant to Section 12.1 or drainage area, pursuant to Section 12.2, any other provision of law notwithstanding.

SEC. 16. Section 12.4 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.4. If in its resolution specifying its intention to establish a drainage area and resolution establishing such drainage area, the board states its intention to levy ad valorem taxes or assessments upon all property in the drainage area for the financing, constructing, maintaining, repairing, extending, or otherwise improving any work or improvement authorized by this act, the board may in any year levy, collect and expend such taxes and assessments in the manner provided by subdivisions 2 and 3 of Section 12 of this act.

SEC. 17. Section 12.5 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.5. Where the board proposes to establish a drainage area pursuant to Section 12.4 to levy ad valorem taxes or assessments and there are filed with the board within 20 days after publication of notice of its intention to proceed written protests against the proposed drainage area signed by the owners of more than 50 percent of the assessed value of land therein, the board shall abandon the proposed establishment of the area. Protests and persons qualified to enter and file protests shall comply substantially with the requirements of Section 11 of this act.

SEC. 18. Section 12.6 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.6. Any parcel, parcels or tract of land may be annexed to

a drainage area and any parcel, parcels, or tract of land within any drainage area may be excluded. Proceedings for annexation or exclusion may be instituted by the board by resolution specifying its intention to annex or exclude such parcel, parcels, or tract of land, describing the proposed land to be annexed or excluded and specifying a time and place for public hearing on said resolution, which public hearing may be held at any place within the district, and directing the clerk to give notice of such public hearing as hereinafter provided. In the alternative, such proceedings may be instituted by the filing with the board of a petition signed by ten percent (10%) or more of the owners, as defined in Section 11, of the land to be annexed or excluded. The petition shall contain:

- (a) The name of the drainage area affected by the annexation or exclusion.
- (b) The reason for annexation or exclusion of the land.
- (c) A description of the land to be annexed or excluded.
- (d) The assent of the petitioners to the annexation or exclusion.
- (e) A request that the described land be annexed to or excluded from the drainage area.

SEC. 19. Section 12.7 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 12.7. When the petition has been filed with the board, the board shall fix a time and place for a hearing thereon, which public hearing may be held at any place within the district, and cause a notice of such hearing to be given as provided in Section 3.3. The notice shall state:

- (a) The date the petition was filed.
- (b) The location and boundaries of the land described in the petition.
- (c) The prayer of the petition.
- (d) The time and place fixed for hearing on the petition.
- (e) That all persons interested in or affected by such change in the drainage area boundaries may appear and show cause why the change should not be made. At the hearing, the board shall hear all relevant evidence for or against the petition.
- (f) If it is the board's intention to levy ad valorem taxes or assessments upon the land.

Failure to show cause by any person interested in or affected by the change is deemed to be his assent to any change the board may make in the drainage area boundaries.

At the conclusion of the hearing, if it deems the annexation or exclusion of all or part of the land to be for the best interests of the drainage area, the board may by resolution annex or exclude all or part of the land described in the petition and shall, in such resolution, describe the drainage area boundaries as changed. If no effective date for such annexation or exclusion is specified in the resolution, then the effective date shall be deemed to be the date of the resolution.

The exclusion of any land or territory from a drainage area does not release such land or territory from any debts or obligations for which it was liable at the time of the exclusion unless otherwise specified in the resolution of exclusion.

In the case of annexation, the board may require that the owners of annexed land shall pay a sum not to exceed the amount of the taxes or assessments which the owners or their predecessors in interest would have been required to pay if the annexed land had been included in the drainage area when it was formed.

SEC. 20. Section 13 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Contra Costa County within five days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 7 percent (7%) per annum. For the purposes of said election,

said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 21. Section 14 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums

unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 percent (7%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 22. Section 18 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 18. The provisions of law of this state, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. All property exempt from taxation for county purposes under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation for the purposes of this act. Property used for free public libraries and free museums, property used exclusively for public schools, and such as may belong

to this state, or to any county, city and county, or municipal corporation within this state shall be exempt from assessment, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to assessment.

SEC. 23. Section 18.5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 18.5. (a) The total amount of taxes and assessments levied on property within any zone shall not exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of assessed valuation, exclusive of the amounts necessary for interest and redemption of any bonds voted within such zone or any taxes and assessments levied for drainage areas pursuant to Section 12.4; except a special tax may be levied in a subzone, zone or participating zone as provided in subdivision 3 of Section 12 of this act to meet contractual obligations with another governmental body, if, at an election held in such subzone, zone or participating zone, in the same manner as a bond election, the proposed imposition of special tax is approved by a majority of the votes cast on such proposition.

(b) The board shall have power, in any year, to levy taxes or assessments pursuant to subdivision (a) of this section upon all property within any zone or subzone with an adopted project to pay for work authorized pursuant to subdivision 17 of Section 5. Further, a special tax or assessment not to exceed two cents (\$0.02) on each one hundred dollars (\$100) of assessed valuation may be levied in addition to the total twenty cents (\$0.20) of taxes and assessments on each one hundred dollars (\$100) of assessed valuation specified in subdivision (a) of this section to pay for work authorized by subdivision 17 of Section 5.

SEC. 24. Section 19 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is repealed.

SEC. 25. Section 19 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 19. Any storm drain maintenance district organized in Contra Costa County under the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937) or zone established under the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953) may be converted into a drainage area in the manner provided by Sections 19.1, 19.2, 19.3, and 19.4 of this act.

SEC. 26. Section 19.1 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is repealed.

SEC. 27. Section 19.1 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 19.1. Proceedings for the conversion of a storm drain maintenance district or Contra Costa County Storm Drainage District zone into a drainage area may be commenced by the board by the adoption of a resolution which shall:

(a) State the name and the boundaries of the district or zone proposed to be converted and the name or number and the boundaries of the drainage area proposed to be established.

(b) State that a tax may be levied pursuant to Section 12.4 to pay for services or works of improvement furnished within such area after due allowance has been made for existing unencumbered funds standing to the credit of the district or zone in the county treasury.

(c) Fix a time and place for a public hearing on the conversion which shall not be less than 30 nor more than 60 days after the adoption of the resolution.

SEC. 28. Section 19.2 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 19.2. Notice of the conversion hearing shall be given in the same manner and within the same time as provided for the giving of notice of a hearing on a resolution of intention to establish a drainage area.

The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place for hearing.

(c) State that at the hearing the testimony of all interested persons or taxpayers for or against the conversion will be heard.

SEC. 29. Section 19.3 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 19.3. At the hearing protests against the conversion may be made orally or in writing by any interested persons or taxpayers. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the district or zone converted into a drainage area. The conversion shall be effective immediately upon the adoption of the resolution, subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code. Upon conversion any unencumbered funds standing to the credit of the district or zone in the county treasury shall be transferred to the credit of the newly established drainage area, and all indebtedness of the district or zone shall become indebtedness of the drainage area. Upon conversion of a district or zone, the right, title and interest to any property owned or controlled by, or held for the district or zone, or for the benefit of the district or zone shall vest absolutely in the Contra Costa

County Flood Control and Water Conservation District to be used for the benefit of the drainage area unless otherwise specified in the resolution of conversion.

SEC. 30. Section 19.4 is added to the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to read:

Sec. 19.4. From and after the adoption of a resolution of conversion in accordance with Section 19.3, the newly established drainage area may levy, collect, and expend taxes and assessments as provided by Section 12.4 of this act.

SEC. 31. Section 22 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed ten thousand dollars (\$10,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interest of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 7 (commencing with Section 3247) of Title 15 of Part 4 of Division 3 of the Civil Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of ten thousand dollars (\$10,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without

advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds five thousand dollars (\$5,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 32. Section 27 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 27. Notwithstanding any provisions of this act to the contrary, the withdrawal of all the area lying within the exterior boundaries of any chartered or incorporated city from a zone may be effected by the vote of a majority of the qualified electors of said city voting at any regular or special election on the proposition to withdraw the area lying within such city from the zone, where such zone's adopted project, if any, has been completed. Said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge. The city council shall cause the results of the election to be certified to the board of supervisors of the zone and if a majority of the votes cast on the proposition to withdraw such area from the zone are in favor thereof, thereupon the area lying within the exterior boundaries of such city shall no longer be a part of the zone; provided, however, that the withdrawal of the area lying within the exterior boundaries of such city from the zone shall not release the area so withdrawn from debts and obligations for or upon which it was liable or chargeable at the time such withdrawal was made.

SEC. 33. Section 27.7 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is repealed.

SEC. 34. Section 31 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 31. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties; provided, however, that notwithstanding any other provision of law, the board may grant an easement or permit for use of any real property of the district to the state, or to any county, city, district, or public agency or corporation, or to any public utility

corporation, upon such terms and conditions as the board sees fit, upon a finding by the board that the interest in land conveyed is in the public interest and will not substantially conflict or interfere with the use of such property by the district for the purpose for which it was acquired.

The board may by resolution vacate or abandon easements for flood control or drainage purposes whenever it determines that they are no longer required for public use.

CHAPTER 271

An act to amend Sections 1684, 1695, 1696.5, 1698.1, and 1698.4 of the Labor Code, relating to farm labor contractors.

[Approved by Governor July 3, 1972. Filed with
Secretary of State July 3, 1972.]

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

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall he renew such license, until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of five thousand dollars (\$5,000) or time certificate in the sum of five thousand dollars (\$5,000). Such bond or time certificate shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of seventy-five dollars (\$75) plus a filing fee of ten dollars (\$10). However, where a timely application for renewal is filed, the

ten-dollar (\$10) filing fee is not required.

(e) Such person in an oral or written examination, or both, demonstrates a degree of knowledge of the laws and administrative regulations concerning farm labor contractors as the Labor Commissioner deems necessary for the safety and protection of farmers, farmworkers and the public. The Labor Commissioner may charge a fee of not more than thirty-five dollars (\$35) to cover the cost of administration of the examination. The Labor Commissioner may also renew a license without requiring the applicant for such renewal to take an oral or written examination if he finds that the applicant has complied with the requirements of this chapter.

(f) The Labor Commissioner may charge reasonable legal fees against a time certificate for handling claims, other than wage claims, filed against a time certificate deposited pursuant to subdivision (c).

SEC. 2. Section 1695 of the Labor Code is amended to read:

1695. Every licensee must:

(1) Carry his license with him at all times and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing.

(2) File at the United States Post Office serving the address of the licensee, as noted on the face of his license, and with the office of the Labor Commissioner, a correct change of address immediately upon each occasion said licensee permanently moves his address. The address shall also be the mailing address for purposes of notice required by the provisions of the Labor Code or by any other applicable statute or regulations respecting service by mail.

(3) Promptly when due, pay or distribute to the individuals entitled thereto, all moneys or other things of value entrusted to the licensee by any third person for such purpose.

(4) Comply on his part with the terms and provisions of all legal and valid agreements and contracts entered into between licensee in his capacity as a farm labor contractor and third persons.

(5) Have available for inspection by his employees and by the grower with whom he has contracted, a written statement in English and Spanish showing the rate of compensation he receives from such grower and the rate of compensation he is paying to his employees for services rendered to, for, or under the control of such grower.

(6) Take out a policy of insurance with any insurance carrier authorized to do business in the State of California in an amount satisfactory to the commissioner, which insures said licensee against liability for damage to persons or property arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his business, activities, or operations as a farm labor contractor.

(7) Have displayed prominently at the site where the work is to be performed and on all vehicles used by the licensee for the transportation of employees, the rate of compensation the licensee is paying to his employees for their services, printed in both English and Spanish and in lettering of a size to be prescribed by the

Department of Industrial Relations.

SEC. 3. Section 1696.5 of the Labor Code is amended to read:

1696.5. Every licensee shall, at the time of each payment of wages, which shall be not less often than once every two weeks as required by Section 205 of this code, furnish each of the workers employed by him either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing in detail each and every deduction made from such wages.

SEC. 4. Section 1698.1 of the Labor Code is amended to read:

1698.1. No licensee shall sell, transfer or give away any interest in or the right to participate in the profits of said licensee's business without the written consent of the Labor Commissioner. A violation of this section shall constitute a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisonment for not more than 60 days, or both.

SEC. 5. Section 1698.4 of the Labor Code is amended to read:

1698.4. No licensee shall send or cause to be sent, any woman or minor under the age of 18 years, as an employee to any house of ill fame, to any house or place of amusement for immoral purpose, to places resorted to for the purposes of prostitution, or to gambling houses, the character of which places the licensee could have ascertained upon reasonable inquiry.

CHAPTER 272

An act to add Article 11 (commencing with Section 28070) to Chapter 5 of Division 12 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 6, 1972 Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Article 11 (commencing with Section 28070) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 11. Bumpers

28070. As used in this article, "passenger vehicle" means "passenger vehicle" as defined in Section 34710.

28071. Every passenger vehicle registered in this state shall be equipped with a front bumper and with a rear bumper. As used in this section, "bumper" means a device designed and intended by the manufacturer to prevent the front or rear of the body of the vehicle from coming into contact with any other motor vehicle. This section shall not apply to any passenger vehicle that is required to be

equipped with an energy absorption system pursuant to either state or federal law.

CHAPTER 273

An act to amend Section 7076.5 of the Business and Professions Code, relating to Contractor's State License Board.

[Approved by Governor July 6, 1972. Filed with Secretary of State July 6, 1972.]

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

SECTION 1. Section 7076.5 of the Business and Professions Code is amended to read:

7076.5. A contractor may request the board to inactivate his license by giving written notice to the board. The registrar shall thereupon issue to such person an inactive license certificate. The inactive license certificate may consist of an endorsement upon the contractor's license stating that it is inactive and does not permit the holder to transact business as a contractor. The board shall not refund any of the renewal fee which a licensee may have paid prior to requesting inactive status.

An inactive license which is not suspended or revoked may be reinstated upon 30 days' notice in writing to the registrar at any time within the period for which the license was issued, unless the board determines that grounds exist which would constitute grounds for the suspension or revocation of the license, and if the notice is accompanied by the full renewal fee for an active license provided for in subdivision (c) of Section 7137. No examination shall be required to reinstate an inactive license.

The holder of an inactive license shall not be entitled to practice as a contractor until his license is reinstated.

An inactive license shall be renewed on each established renewal date upon the making of application therefor and payment of the renewal fee required for an inactive license by subdivision (c) of Section 7137.

The inactive status of a license shall not bar any disciplinary action by the board against a licensee for any of the causes stated in this chapter.

CHAPTER 274

An act to amend Sections 1005.1 and 1005.2 of the Water Code, relating to water.

[Approved by Governor July 6, 1972. Filed with Secretary of State July 6, 1972.]

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

SECTION 1. Section 1005.1 of the Water Code is amended to read:
1005.1. Cessation of or reduction in the extraction of ground water by the owner of a right to extract, as the result of the use of an alternate supply of water from a nontributary source, shall be and is deemed equivalent to, and for purposes of establishing and maintaining any right to extract the ground water shall be construed to constitute, a reasonable beneficial use of the ground water to the extent and in the amount that water from the alternate source is applied to reasonable beneficial use, not exceeding, however, the amount of such reduction. Any such user of water from an alternate nontributary source who seeks the benefit of this Section 1005.1, shall file with the board, on or before December 31st of each calendar year, a statement of the amount of water from said source so applied to reasonable beneficial use pursuant to the provisions of this section during the next preceding water year (November 1st to October 31st), and such user cannot claim the benefit of this section for any water year for which such statement is not so filed.

“Ground water” for the purpose of this section and of Section 1005.2 means water beneath the surface of the ground, whether or not flowing through known and definite channels.

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this state defined by the exterior boundaries of the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

The term “nontributary source” as used in this section shall be deemed to include water imported from another watershed, or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

SEC. 2. Section 1005.2 of the Water Code is amended to read:

1005.2. Cessation of or reduction in the extraction of ground water, to permit the replenishment of such ground water by the use of water from an alternate nontributary source, is hereby declared to be a reasonable beneficial use of the ground water to the extent and in the amount that water from such alternate source is applied to beneficial use, not exceeding, however, the amount of such reduction. No lapse, reduction or loss of any right in ground water, shall occur under such conditions. Any such user of water from an

alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring prior to the effective date of this section, shall file with the board, within ninety (90) days from said effective date, a statement of the amounts of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use prior to said effective date to permit the replenishment of such ground water and said amounts shall be segregated and shown for each water year (November 1st to October 31st) during which such use occurred prior to the effective date of this section. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring subsequent to the effective date of this section, shall file with the board, on or before December 31st of each calendar year, a statement of the amount of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use during the next preceding water year (November 1st to October 31st) to permit the replenishment of such ground water. Such user cannot claim the benefit of this section for any water year for which such statement is not so filed.

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this state defined by the exterior boundaries of the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

The term "nontributary source" as used in this section shall be deemed to include water imported from another watershed or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

CHAPTER 275

An act to add Sections 8715, 8715.1, 8715.2, 8715.3 and 8715.4 to the Business and Professions Code, relating to land surveyors.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 8715 is added to the Business and Professions Code, to read:

8715. The board, when it deems necessary, may establish licensed land surveyor investigation committees to assist the board in the investigation of claims of violation of any provision under this chapter. Each committee shall report its finding and

recommendations to the board. Any member of such a committee may act as an expert witness at a hearing conducted by the board when the hearing is conducted as a result of the committee's investigation.

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

SEC. 2. Section 8715.1 is added to the Business and Professions Code, to read:

8715.1. Each member of each committee shall be appointed by the board and shall serve at the pleasure of the board. Each committee shall be composed of no more than five members.

SEC. 3. Section 8715.2 is added to the Business and Professions Code, to read:

8715.2. Each member of each committee shall be licensed under this chapter.

SEC. 4. Section 8715.3 is added to the Business and Professions Code, to read:

8715.3. All members of each committee shall serve without compensation but shall receive per diem and expenses as provided in Section 103.

SEC. 5. Section 8715.4 is added to the Business and Professions Code, to read:

8715.4. Each member of each investigation committee shall be granted the same immunity as is granted to a public employee pursuant to Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code.

CHAPTER 276

An act to amend Sections 3277 and 3282 of the Fish and Game Code, relating to pheasants.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 3277 of the Fish and Game Code is amended to read:

3277. The season during which shooting is to be permitted upon any licensed premises in Zone A shall be for a period of 114 consecutive days, beginning on the Saturday nearest the 15th day of October.

The total number of pheasants which may be taken on the premises shall not exceed 80 percent of the pheasants released during, and within 12 days prior to, the opening of, such season. No credit shall be given unless a license is in effect at the time the birds are released.

SEC. 2. Section 3282 of the Fish and Game Code is amended to read:

3282. A Zone A licensee shall propagate and rear, or otherwise acquire, and release upon its premises pheasants at the rate of not less than one pheasant per three acres.

A Zone B licensee may release pheasants in any number at the times he desires.

All pheasants released on licensed pheasant clubs at the time of release shall be full winged and otherwise in condition to go wild. The commission may authorize the collection of an inspection fee not to exceed five cents (\$.05) per pheasant for the inspection necessary to insure the proper condition of the pheasants to be released.

CHAPTER 277

An act to amend Sections 14283 and 14284 of, and to repeal Section 14281 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 14281 of the Education Code is repealed.

SEC. 2. Section 14283 of the Education Code is amended to read:

14283. If any person who elected option 2 or 3 dies after the effective date of his retirement and after the election or changed election has been signed and notarized, then the election of the option shall be in full force and effect. The election shall be forwarded to the office of the system within 30 days after signature and notarization.

SEC. 3. Section 14284 of the Education Code, as added by Chapter 1305, Statutes of 1971, is amended to read:

14284. Any member who has qualified for service retirement under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14186, the election under this section shall be invalid and of no effect unless and until the consent of such spouse to it is filed with the system in Sacramento. If the death of such member occurs after the date upon which the election has been signed and notarized, then the election shall be in full force and effect. The election shall be

forwarded to the office of the system within 30 days after signature and notarization.

Upon such member's death, prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by subdivisions (a) and (b) of Section 14070 or paragraphs (1) and (2) of subdivision (b) of Section 14180 and the family benefit provided by Section 14186, and no death or family benefit shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member except for the accumulated annuity deposit contributions and accumulated tax-sheltered contributions, and the amount provided by paragraph (5) of subdivision (b) of Section 14180, which amounts shall be paid the designated beneficiary.

If such member subsequently retires, he shall receive, regardless of whether the person nominated by him under the option elected is then living, a reduced allowance according to the provisions of Section 14280 and the option elected.

The amount of the allowance prior to optional modification shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

CHAPTER 278

An act to amend Section 7273 of the Government Code, relating to relocation assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 7273 of the Government Code is amended to read:

7273. Funds received pursuant to Sections 2106 and 2107 of the Streets and Highways Code may be expended by any city to provide relocation advisory assistance, and to make relocation assistance payments, to displaced persons displaced because of the construction of city highways or streets.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that highway users tax revenues received by a city for city highway and street construction may be used by it to provide required relocation advisory assistance, and to make required relocation assistance payments, to displaced persons displaced because of such construction, it is necessary that this act take effect immediately.

CHAPTER 279

An act to amend Section 12731 of the Business and Professions Code, relating to public weighmasters.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972]

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

SECTION 1. Section 12731 of the Business and Professions Code is amended to read:

12731. (a) Net weight is the correct or actual weight of the commodity excluding the weight of the container or conveyance.

(b) No weighmaster shall weigh a vehicle, or combination of vehicles, for certification, when part of the vehicle, or connected combination, is not resting on the scale.

(c) For the purpose of certification of weights of vehicles the entire weight of the vehicle and load shall rest upon the scale at one time.

(d) When weighing a combination of vehicles that will not rest on the scale platform at one time the combination must be disconnected and weighed separately. The weights so taken may be properly combined for the purpose of issuing a single certificate.

(e) This section shall not prohibit weighing of vehicles to determine compliance with the provisions of the Vehicle Code.

(f) The provisions of this section shall not apply to the weighing of seed cotton for purposes of ginning when the weights are obtained by weighing trailers not equipped with braking systems and are used for other than the sale of such seed cotton.

CHAPTER 280

An act relating to Yosemite Junior College District.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. The governing board of the Yosemite Junior College District may enter into a one-year contract with the Department of Parks and Recreation for the cooperative operation and management of hotel, resort and food service facilities at Columbia Historic State Park. Such contract may be renewed for one-year terms upon agreement of the parties.

SEC. 2. Pursuant to such contract, students regularly enrolled at a college maintained by the Yosemite Junior College District may be employed to perform services at such facilities in conjunction with a course of study in hotel and resort management. Students so employed shall be under the immediate supervision and control of a certificated employee of the district.

SEC. 3. The district shall be credited with attendance of students while employed and performing services pursuant to Section 2 of this act.

CHAPTER 281*An act to amend Section 27459 of the Vehicle Code, relating to vehicles.*

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 27459 of the Vehicle Code is amended to read:

27459. No person shall operate any motor vehicle, trailer or semitrailer upon any portion of a highway without tire chains when such portion of the highway is signed for the requirement of such chains. In any case where a passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less may be required by the Department of Public Works or local authorities to be equipped with tire chains such chains shall be placed on at least two drive wheels or, the department or local authorities may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels when the weather and surface conditions at the time are such that the stopping, tractive, and cornering abilities of the tires are adequate. The snow-tread tires shall be of a

type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

CHAPTER 282

An act to repeal Section 18.5 of Chapter 548 of the Statutes of 1968, relating to underwritten title companies.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 18.5 of Chapter 548 of the Statutes of 1968 is repealed.

CHAPTER 283

An act to add Section 1656.1 to the Insurance Code, relating to insurance.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 1656.1 is added to the Insurance Code, to read:

1656.1. (a) Every application for a license filed by a corporation shall contain the names and addresses of all officers, directors, and stockholders owning 10 percent or more of the corporation's stock.

(b) Every such licensed corporation shall file a written notice with the commissioner of all changes, except address changes, of its officers, directors, and stockholders who own 10 percent or more of the corporation's stock.

CHAPTER 284

An act to add Section 760.1 to the Financial Code, relating to banking.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 760.1 is added to the Financial Code, to read:
760.1. A bank may invest in shares of the stock of one or more corporations which are engaged primarily in civic, public, or social welfare activities. The total amount invested by a bank in shares of the stock of any one such corporation shall not exceed 2 percent of the bank's capital and surplus and the total amount invested by a bank in shares of the stock of all such corporations shall not exceed 5 percent of the bank's capital and surplus.

CHAPTER 285

An act to add Section 71975 to the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 71975 is added to the Water Code, to read:
71975. Notwithstanding any other provision of law, within the Rainbow Municipal Water District, if bonds have been authorized or issued pursuant to Chapter 4 (commencing with Section 71920) of this part, and thereafter, due to a change in conditions or circumstances, the board determines that the improvement, generally described in the resolution of intention No. 438, adopted October 27, 1969, pursuant to Section 71924, should be significantly modified, the board by resolution may so modify such improvement and may issue authorized but unissued bonds or, to the extent the rights of bondholders are not impaired, expend the proceeds of bonds issued for the purpose of paying the cost of the improvement as modified, without any further election or without taking proceedings pursuant to Chapter 4 (commencing with Section 71920) of this part, provided that such modification shall not change the purpose for which the sale of bonds was originally authorized, and only after notice and hearing in the same manner as provided in Article 2 (commencing with Section 71880) of Chapter 3 of this part and Article 6 (commencing with Section 53520) of Chapter 3, Part 1, Division 2, Title 5 of the Government Code, and provided that at the conclusion of the hearing the board, four-fifths of the members concurring, shall by resolution determine that the territory within the improvement district will be benefited by the improvement as modified. Notwithstanding the foregoing, the board, by resolution, may make minor modifications in the plans for the acquisition and construction of improvements and the determination made in such resolution shall be final and conclusive.

SEC. 2. The provisions of this act are necessary because of special

circumstances within the Rainbow Municipal Water District. The district had originally authorized bonds for the construction of a waste water treatment plant for the benefit of an improvement district, but subsequently it became highly advantageous for the district to join with the City of Oceanside in the construction of a trunk sewer to dispose of the improvement district's waste water through the City of Oceanside's treatment plant rather than construct a separate waste water treatment plant. It is necessary that the district have its funds available as soon as possible to pay its share of the cost of the interceptor sewer if the district is not to lose additional funds available for the project from other sources during the 1971-1972 fiscal year. If it is necessary to secure the approval of the voters of the improvement district before the bond funds may be used for the construction of the interceptor sewer, rather than the waste water treatment plant, these additional funds will be lost and the construction of urgently needed facilities for the protection of the public health of residents of the improvement district will be greatly delayed. This problem is not common to all districts formed under the Municipal Water District Law of 1911. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 71975 of the Water Code as a special law is necessary for the solution of problems existing in the Rainbow Municipal Water District.

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

The construction of certain waste water projects and works of improvement within the Rainbow Municipal Water District is urgently needed to protect the public health and safety of residents of the district. This act enables the construction of such projects and works of improvement to be undertaken with the minimum possible delay. In order, therefore, to permit such projects and works of improvement to be completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 286

An act to amend Sections 855, 1206, and 1383 of the Financial Code, relating to banking.

[Approved by Governor July 6, 1972. Filed with
Secretary of State July 6, 1972.]

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

SECTION 1. Section 855 of the Financial Code is amended to read:

855. No bank shall pay any time deposit before its maturity; provided, however, that a bank may pay a time deposit before maturity if and to the extent necessary to avoid hardship to the depositor.

SEC. 2. Section 1206 of the Financial Code is amended to read:

1206. A commercial bank may issue negotiable certificates of deposit transferable by endorsement and delivery and nonnegotiable certificates transferable only on the books of the bank. Except as otherwise provided in Section 855 of this code, it shall not make partial payments upon a certificate of deposit.

SEC. 3. Section 1383 of the Financial Code is amended to read:

1383. A savings bank may issue negotiable time certificates of deposit transferable by endorsement and delivery and may issue nonnegotiable time certificates of deposit transferable only upon the books of the bank. Except as otherwise provided in Section 855 of this code, a savings bank shall make no partial payments upon a certificate of deposit.

All certificates of deposit issued by a savings bank shall be made payable:

(a) Without notice, on a certain date or at the expiration of a certain time specified in the instrument, not less than 30 days after the date of deposit; or

(b) Upon notice in writing which is actually required to be given a certain number of days specified in the instrument, not less than 30 days, before the date of repayment; and

(c) In all cases only upon presentation and surrender of the certificate.

CHAPTER 287

An act to amend Section 20205 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 6, 1972. Filed with Secretary of State July 6, 1972]

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

SECTION 1. Section 20205 of the Government Code is amended to read:

20205. The board may itself make any investment authorized by law or sell any security, obligation, or real property in which moneys in the fund are invested, by affirmative vote of at least five members of the board, or by such an affirmative vote may from time to time adopt a list of acceptable securities for purchase, and specify either

(a) the sum to be invested or (b) the cash reserve to be retained in

the fund and not invested, and specify the conditions under which securities or other investments may be sold. While such a list is in effect, securities may be purchased from such list up to the amount so specified for investment by an officer or employee of the board designated by it for such purpose, and sales of securities may be consummated by such officer or employee under the conditions prescribed. Purchases of securities from the list, and sales shall be reported to the board at its next regular meeting.

CHAPTER 288

An act to repeal Sections 35271.7 and 54797.2 of the Government Code, relating to alteration of boundaries.

[Approved by Governor July 6, 1972. Filed with Secretary of State July 6, 1972.]

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

- SECTION 1. Section 35271.7 of the Government Code is repealed.
- SEC. 2. Section 54797.2 of the Government Code is repealed.

CHAPTER 289

An act to amend Section 69894.1 of the Government Code, relating to superior courts.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 69894.1 of the Government Code is amended to read:

69894.1. In each county with a population of over 6,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

Number	Title	Schedule
3	Accounting clerk	36
3	Accounting technician	40
3	Administrative assistant I	47
3	Administrative assistant II	56
14	Administrative secretary	45
1	Assistant criminal courts coordinator.....	59
1	Assistant director, family counseling services	69
1	Assistant jury commissioner	64

1	Assistant supervising counselor, mental health	65
1	Assistant supervising probate attorney	75
1	Assistant supervising juvenile traffic hearing officer	66
1	Assistant to the executive officer	71
2	Chief clerk	52
1	Chief, personnel division	67
1	Civil courts coordinator.....	68
45	Clerk I	28
82	Clerk II	32
42	Clerk III	38
18	Clerk III-secretary	39
2	Clerk IV.....	46
55	Counselor	55
68	Court commissioner	FA \$28,064
240	Court reporter	65
1	Court reporter assignment clerk	45
1	Court statistician	53
1	Criminal calendar assignment clerk	41
1	Criminal courts coordinator	68
1	Director, administrative services	72
1	Director, family counseling services	73
1	Director, research and development.....	76
1	Duplicating and mail unit supervisor	40
1	Executive assistant	64
1	Executive officer	85
1	Executive secretary	55
3	Family counselor I	55
4	Family counselor II	61
1	Finance officer.....	63
1	Graphic arts aid.....	41
1	Head, property services	57
1	Head, recognizance services	65
1	Head, staff services.....	70
10	Interpreter	40
1	Jury commissioner	71
8	Jury interviewer	46
1	Jury qualification supervisor	51
19	Law clerk	54
5	Legal research assistant.....	45
27	Legal secretary	41
1	Light vehicle driver	34
1	Offset duplicator operator	34
1	Payroll records supervisor	45
1	Personnel officer	63
2	Principal counselor	63
15	Probate attorney	71
1	Probate commissioner	80

9	Probate checker	44
2	Procurement assistant	43
5	Property custodian-auditor	39
1	Psychiatric physician	FD \$125
10	Referee	77
1	Research attorney	71
1	Secretary and assignment clerk	41
1	Secretary and personnel clerk.....	41
1	Secretary to executive officer	52
20	Senior counselor	59
18	Senior family counselor	65
30	Senior judicial secretary	43
25	Senior juvenile traffic hearing officer	62
1	Senior property custodian-auditor	45
2	Senior referee	FA \$28,064
14	Senior stenographic secretary	48
1	Special assistant	67
1	Supervising administrative assistant II	64
1	Supervising counselor, mental health	73
1	Supervising judicial secretary	55
1	Supervising juvenile traffic hearing officer	70
1	Supply clerk	37

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

CHAPTER 290

An act to amend Section 18655.1 of the Financial Code, relating to industrial loan companies.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 18655.1 of the Financial Code is amended to read:

18655.1. (a) As an alternative to the charges authorized by

Section 18655, a company may contract for and receive charges at a rate not exceeding 1½ percent per month on the unpaid principal balance.

CHAPTER 291

An act to add Section 41803.7 to the Government Code, relating to city attorneys.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 41803.7 is added to the Government Code, to read:

41803.7. Whenever the city attorney is acting as a prosecutor in a criminal case pursuant to any provision of law or under a city charter, he shall have the power to issue subpoenas in a like manner as the district attorney.

CHAPTER 292

An act to amend Section 6571 of, and to add Chapter 10 (commencing with Section 5800) to Division 6, Title 1 of the Government Code, and to amend Section 33138 of the Streets and Highways Code, relating to sales of public securities.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Chapter 10 (commencing with Section 5800) is added to Division 6, Title 1 of the Government Code, to read:

CHAPTER 10. SALE OF LOCAL SECURITIES

5800. As used in this chapter, "nonprofit corporation" means any nonprofit corporation formed under the Corporations Code, or otherwise, which proposes to aid any public body by issuing securities to finance any one or more public projects.

5801. As used in this chapter, "joint powers authority" means any entity defined in Section 6542.

5802. As used in this chapter, "parking authority" means any entity created pursuant to Division 18 (commencing with Section 31500) of the Streets and Highways Code.

5803. As used in this chapter, "issuer" means a nonprofit corporation, a joint powers authority or a parking authority.

5804. As used in this chapter, "public body" means any county, city and county, city, municipal corporation, political subdivision, public district, public corporation or public authority, or any agency of any thereof, but does not include the federal government or any federal department or agency, this state, an adjoining state or any state department or agency.

5805. As used in this chapter, "securities" means any bonds, notes, warrants or other evidences of indebtedness and the interest coupons, if any, attached thereto, issued or proposed to be issued in an aggregate principal amount of five hundred thousand dollars (\$500,000) or more by any issuer to finance a public project.

5806. As used in this chapter, "public project" means any land, structure, facility or equipment or other personal property, the acquisition, construction or completion of which is to be financed by securities of an issuer if any of the payments of principal of and interest on such securities is to be paid by such issuer from funds derived from rental or other payments which any one or more public bodies has agreed to pay to such issuer under a public leaseback.

5807. As used in this chapter, "public leaseback" means any lease by a public body of all or any part of a public project where the lease is between such public body as lessee and an issuer as lessor and the lease is executed before the public project is acquired, constructed or completed.

5808. Before selling any securities, any issuer shall advertise such securities for sale at public sale and shall invite sealed bids therefor by publication of a notice once at least 10 days before the date of such public sale in a newspaper of general circulation circulated within the boundaries of each public body to be aided by the public project to be financed by the issuance of such securities. If one or more satisfactory bids are received pursuant to such notice, such securities shall be awarded to the highest responsible bidder. If no bids are received or if the issuer determines that the bids received are not satisfactory as to price or responsibility of the bidders, the issuer may reject all bids received, if any, and either readvertise or sell such securities at private sale.

SEC. 2. Section 6571 of the Government Code is amended to read:

6571. The bonds shall be issued and sold as the governing body may determine, and for not less than par and accrued interest to date of delivery. The sale shall be conducted in compliance with Chapter 10 (commencing with Section 5800) of Division 6 of Title 1. The proceeds from the sale (except premium and accrued interest, which shall be paid into the bond service or other fund designated or established for the payment of the principal and interest of the bonds) shall be paid into the construction fund designated by the indenture authorizing the issuance of the bonds and shall be applied exclusively to the objects and purposes set forth in such indenture,

including all expenses incidental thereto or in connection therewith, and also including the payment of interest on said bonds during the period of construction of the project and for a period not to exceed twelve (12) months after completion of such construction.

SEC. 3. Section 33138 of the Streets and Highways Code is amended to read:

33138. The authority may sell bonds at a price below the par or face value, provided that the discount on any bonds so sold shall not exceed 6 percent of the par value thereof.

The interest rate on the bonds shall not exceed 7 percent, payable semiannually. The sale shall be conducted in compliance with Chapter 10 (commencing with Section 5800) of Division 6 of Title 1 of the Government Code.

CHAPTER 293

An act to amend Section 20009.1 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 20009.1 of the Government Code is amended to read:

20009.1. "Public agency" also includes the following:

(a) The office of county superintendent of schools with respect to its employees whose compensation is not paid from county funds and with respect to employees of school districts within the jurisdiction of the superintendent which are not contracting agencies.

(b) The Commandant, Veterans Home of California, with respect to employees of the post exchange and other post fund activities whose compensation is paid from the post fund of the Veterans Home of California.

(c) Any foundation or trust established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of a state or junior college.

(d) Any student body or nonprofit organization composed exclusively of students of a state or junior college or of members of the faculty of a state or junior college, or both, and established for the purpose of providing essential activities related to but not normally included as a part of the regular instructional program of the state or junior college.

(e) The Adjutant General with respect to persons employed by him pursuant to federal regulations and compensated directly from federal funds.

(f) A state organization which is authorized under subdivision (e)

of Section 1071 of the Education Code.

(g) Any nonprofit corporation whose membership is confined to public agencies as defined in Section 20009.

CHAPTER 294

An act to add Section 72602.15 to the Government Code, relating to Los Angeles County Municipal Courts.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972]

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

SECTION 1. Section 72602.15 is added to the Government Code, to read:

72602.15. In addition to the number of judges prescribed by Section 72602, there shall be one judge in the South Gate Municipal Court District.

CHAPTER 295

An act to amend Section 25643 of, and to add Section 25210.58 to, the Government Code, relating to property taxes imposed to finance fire protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 25210.58 is added to the Government Code, to read:

25210.58. Any property included in a county service area which receives structural fire protection services under this article shall be exempt from any property tax imposed by the county on property generally to finance structural fire protection, commencing with the 1972-1973 fiscal year.

SEC. 2. Section 25643 of the Government Code, as amended by Chapter 471 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

25643. The board of supervisors of a county shall determine each year such sum of money as the board of supervisors deems necessary for fire protection services within the county, excluding therefrom any city or district which is at such time providing fire protection services within such city or district. Except for the costs of forest,

range, and watershed fire protection within state responsibility areas as defined in Part 2 (commencing with Section 4101) of Division 4 of the Public Resources Code, for which the county is not reimbursed by the state, the taxes for the costs of county fire protection services shall be levied only on property within the county served by and benefiting from county fire protection services, or such costs shall be paid from other nonproperty tax revenues collected within the unincorporated area of the county.

Every city or district which provides its own fire protection services, and which prior to March 1 of any year files with the board of supervisors of the county a resolution declaring that such city or district is providing fire protection services within its jurisdiction, shall not be assessed during the following fiscal year and any year thereafter for any portion of the costs of county fire protection services, except for the costs of forest, range, and watershed fire protection within state responsibility areas as defined in Part 2 (commencing with Section 4101) of Division 4 of the Public Resources Code, for which the county is not reimbursed by the state.

All property located within a county service area receiving structural fire protection services under Article 5 (commencing with Section 25210.50) of Chapter 2.2 of this part shall be exempt from any county tax imposed on property generally to finance structural fire protection, commencing with the 1972-1973 fiscal year.

This section shall not apply to a county with a population of more than 1,000,000 but less than 6,000,000 according to the 1960 federal census.

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

Some property owners in county service areas are being required to pay twice for structural fire protection services, and it is necessary to remedy this situation as soon as possible to forestall the need for making tax refunds for the 1972-1973 fiscal year. Therefore, it is necessary that this act shall take effect immediately.

CHAPTER 296

An act to amend Section 5902 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 5902 of the Vehicle Code is amended to read:
 5902. (a) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card, he shall within 10 days thereafter forward the certificate and card with the proper transfer fee to the department and thereby make application for a transfer of registration.

(b) Whenever any person applies for transfer of registration on a certificate of ownership issued for the year of last registration the registration card need not be surrendered.

CHAPTER 297

An act to amend Section 69899.5 of the Government Code, relating to courts.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 69899.5 of the Government Code is amended to read:

69899.5. In the County of Orange, a majority of the judges of the superior court may appoint the following officers and employees whose monthly salaries shall be:

Number of petitions	Title	Salary range
1	Assistant superior court administrator/jury commissioner.....	58
1	Administrative services assistant II—superior court.....	58
1	Master calendar assistant	50
1	Jury services supervisor	50
1	Court accounts technician	35
1	Executive secretary to presiding judge	42
1	Supervising judicial stenographer	39
3	Secretary II—judicial.....	37
6	Judicial stenographer.....	35
2	Court information clerk	29
5	Juvenile court referee.....	76
2	Juvenile traffic hearing officer	61
1	Legal research attorney	62
1	Legal research assistant	56
1	Supervising probate examiner	56
2	Probate examiner.....	54

The references to a numbered salary range in this section are to the salary schedule in the salary resolution of the County of Orange.

All personnel appointed pursuant to this section shall serve at the pleasure of the majority of the judges and may at any time be removed by the majority of the judges in their discretion.

With the approval of the board of supervisors, the majority of the judges may establish such additional titles and pay rates as are required, and, with the approval of the board of supervisors, may appoint and employ such additional commissioners, officers, assistants, and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members. Rates of compensation of all officers, assistants, and other employees, except those of court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire 61 days after the adjournment of the next regular session of the Legislature, unless ratified at such session.

All personnel shall be entitled to such step advancement, vacation, sick leave, holiday benefits, other leaves of absence, and other benefits as may be directed by rules adopted by a majority of the judges. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable, by rule, to such personnel.

The benefits shall also include the same lump sum payments for sick leave and vacation for such personnel when they are separated from the service as are made to county employees of such county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of such personnel. When such rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070.

When requested to do so by the court, the county shall furnish to the judges such services as may be required in connection with the recruitment and employment of such personnel.

All such personnel and judges shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their employment or office outside of the county.

All such personnel shall be included in the retirement system of the County of Orange, subject to the provisions of such system.

CHAPTER 298

An act to amend Section 329 of the Probate Code, relating to wills.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 329 of the Probate Code is amended to read:

329. If no one appears to contest the probate, the court may admit the will to probate on the evidence of one of the subscribing witnesses only, if the evidence shows that the will was executed in all particulars as required by law. If none of the subscribing witnesses resides in the county, but the deposition of one of them can be taken elsewhere, the court may direct it to be taken, and may authorize a photographic copy of the will to be made and to be presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator and the other witness, as would be pertinent and competent if the original will were present. If the subscribing witnesses are competent at the time of attesting the execution, their subsequent incompetency, from whatever cause, will not prevent the probate of the will, if it is otherwise satisfactorily proved. If the court is satisfied that the evidence of no subscribing witness can be procured after reasonable search or inquiry, the court may, if the will on its face conforms to all requirements of law, admit the will to probate (1) upon proof of the handwriting of the testator and of any one of the subscribing witnesses or (2) upon proof of the handwriting of the testator and receipt in evidence either of a writing at the end of the document offered as a will bearing the purported signatures of all subscribing witnesses, or an affidavit of a person with personal knowledge of the circumstances of execution, which writing or affidavit recites facts showing the due execution of the will. The evidence of one or more of the subscribing witnesses may be received by an affidavit to which there is attached a photographic copy of the will, in any uncontested will proceedings.

CHAPTER 299

An act to amend Sections 70059.7 and 74647 of the Government Code, relating to official reporters.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 70059.7 of the Government Code is amended to read:

70059.7. In a county with a population of not less than 260,000 and not more than 290,000, as determined by the 1970 federal census, each regular official reporter shall be paid an annual salary of fourteen thousand four hundred forty-five dollars (\$14,445), which salary shall include payment for his services in reporting all proceedings in the superior court and before the grand jury.

Reporters pro tempore shall be paid at the per diem rate as fixed by Sections 69948 and 69949 for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

In such a county, the fee required by Section 70053 shall be ten dollars (\$10).

In addition to any fee otherwise required, in civil cases that last longer than five judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each succeeding day a reporter is required.

SEC. 2. Section 74647 of the Government Code is amended to read:

74647. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive a biweekly salary of five hundred fifty-five dollars and fifty-eight cents (\$555.58). Such salary shall be paid at the same times and according to the same procedures as salaries of employees of the County of Santa Barbara. During the hours when the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

(b) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at the per diem rate fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior court reporters in the County of Santa Barbara, whichever is the

greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

(c) An official reporter when not engaged in the performance of his duties for the municipal court, may be appointed to serve as such reporter for the Santa Barbara County Grand Jury or in any other court in the County of Santa Barbara.

CHAPTER 300

An act to amend Section 2760 of the Business and Professions Code, relating to nurses.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 2760 of the Business and Professions Code is amended to read:

2760. If the holder of a license is suspended, he shall not be entitled to practice nursing during the term of suspension.

Upon the expiration of the term of suspension, he shall be reinstated by the board and shall be entitled to resume his practice of nursing unless it is established to the satisfaction of the board that he has practiced nursing in this state during the term of suspension. In this event, the board shall revoke his license.

A person whose license had been suspended or revoked may petition the board for reinstatement or reduction of penalty in accordance with Section 11522 of the Government Code. In acting on such a petition, the board may, if its action reasonably relates to the grounds for suspension or revocation, do either or both of the following:

(a) Require the petitioner to pursue specified remedial education considered necessary by the board to safeguard the public.

(b) Restrict or limit the extent, scope, or type of practice of the reinstated license holder for such period of time as the board deems necessary to safeguard the public.

CHAPTER 301

An act to amend Section 5000 of, and to add Sections 5001 and 5002 to, the Fish and Game Code, relating to reptiles.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 5000 of the Fish and Game Code is amended to read:

5000. It is unlawful to sell, purchase, harm, take, possess, transport, or shoot any projectile at a tortoise (Gopherus). This section does not apply to the taking of any tortoise when authorized by the department.

SEC. 2. Section 5001 is added to the Fish and Game Code, to read:

5001. The provisions of Section 5000 do not prohibit the possession of any tortoise (Gopherus) when the owner can demonstrate that such tortoise was legally acquired and possessed before the effective date of this section. The owner of a tortoise which may be possessed under this section shall mark or otherwise identify such tortoise to the satisfaction of the department, and shall not transfer such tortoise to any other person without prior approval of the department.

SEC. 3. Section 5002 is added to the Fish and Game Code, to read:

5002. The department may issue permits, subject to such terms and conditions as the commission may prescribe, authorizing the possession of any tortoise (Gopherus) or any part or product thereof by an educational or scientific institution or a public zoological garden.

CHAPTER 302*An act to add Section 1718 to the Civil Code, relating to repair of farm equipment.*

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 1718 is added to the Civil Code, to read:

1718. (a) As used in this section:

(1) "Farm machinery" means all tools and equipment used in relation to the operation of a farm.

(2) "Farm machinery repair shop" means a business which, for compensation, engages in the operation, on or off its premises, of repairing farm machinery.

(3) "Per-job basis" means each act of maintenance or repair which is performed on farm machinery.

(b) All work done by a farm machinery repair shop, including all warranty work, shall be recorded on an invoice, which shall describe all service work done and parts supplied. If more than one act of maintenance or repair is performed by a farm machinery repair shop, the invoice shall be written in such a way that the labor cost per hour and total labor cost, as well as the specific parts used and their cost, shall be recorded on a per-job basis.

(c) Each farm machinery repair shop shall give to each customer, upon request, a written estimated price for labor and parts necessary, on a per-job basis. It shall not charge for work done or parts supplied in excess of the estimated price without the written consent of the customer, which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not included in the estimate is done, or the parts not included in the estimate are supplied. Nothing in this section shall be construed to require a farm machinery repair shop to give a written estimated price if the shop does not agree to perform the requested repair.

(d) Any violation of this section is a misdemeanor.

CHAPTER 303

An act to amend Section 19512 of the Business and Professions Code, relating to horseracing.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 19512 of the Business and Professions Code is amended to read:

19512. An original license issued under this article shall be issued for a period of the calendar year in which it is issued, and shall be renewable for a period, not to exceed three years, which the board may by regulation establish. The board may establish a license fee schedule consistent with the different period for which such licenses may be granted. The license shall be valid at all horseracing meetings in this state during the period for which it is issued, unless it is suspended or revoked prior to the expiration of such period.

CHAPTER 304

An act to add Article 9 (commencing with Section 54240) to Chapter 5, Part 1, Division 2, Title 5 of the Government Code, relating to public leasebacks.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Article 9 (commencing with Section 54240) is added to Chapter 5, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 9. Public Leasebacks

54240. As used in this article:

(a) "Local agency" means any county, city, city and county, public district, public entity or authority or other public or municipal corporation other than the federal government or any federal department or agency, this state, an adjoining state, any state department or agency or any school district in the state.

(b) "Public leaseback" means any lease, sublease, contract or other agreement involving land or buildings, structures, or other facilities which are permanently attached to land, where the agreement is made directly or indirectly between the local agency and a public leaseback corporation, if the proceeds of the agreement provided by the local agency will be used in whole or in part by such public leaseback corporation for payment of principal of or interest on its bonds, notes or other evidences of indebtedness.

(c) "Public leaseback corporation" means any public or private corporation, or nonprofit corporation, or any public retirement system which has the authority to assist a local agency and which acquires or constructs or finances or arranges for the acquisition or construction of land, buildings, structures, or other facilities which are permanently attached to land for public leaseback.

54241. No public leaseback of any local agency shall be entered into until the act of entering into a formal agreement with the public leaseback corporation shall have been approved by such local agency by ordinance which shall state that it is subject to the provisions for referendum applicable to such local agency. This section shall apply only to public leaseback agreements the term of which will exceed five years or more.

54242. Any ordinance subject to referendum under Section 54241 shall be published after adoption as required by law for ordinances of the local agency generally, or, if there be no such requirement applicable to such ordinance, then once pursuant to the provisions of Sections 6040 through 6044 within 15 days after the adoption of such ordinance.

If a local agency does not otherwise have statutory power to enact an ordinance pursuant to Section 54241, the governing body of such local agency is hereby empowered to introduce and enact such ordinance at any regular or adjourned regular meeting by the approving votes of a majority of all of its members. If ordinances of a local agency are not otherwise subject to referendum, then (1) the governing body of such local agency may refer any ordinance enacted pursuant to Section 54241 to the electors of such local agency in the same manner as the board of supervisors of a county may refer county questions pursuant to Section 3750 of the Elections Code, and (2) the electors of such local agency shall have the right to petition for referendum on such ordinance in the same manner and subject to the same rules as are set forth in Sections 3751 through 3754 of the Elections Code, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of such local agency. If the governing board of a local agency is an elected board the electors of such local agency for the purposes of this section shall be the electors of the territory entitled to vote at elections for members of such governing board. If a local agency does not have an elected governing board, the electors residing within the boundaries of such local agency who would be qualified to vote for candidates for Governor at any gubernatorial election shall be the electors of such local agency for the purposes of this section.

54243. In the event an ordinance enacted pursuant to Section 54241 authorizing a local agency to enter into a public leaseback is subjected to a successful referendum election or is repealed or rescinded by a local agency, no ordinance authorizing the local agency to enter into a public leaseback for the same or substantially the same purpose shall be passed by that local agency for a period of one year from the date of such referendum, repeal or rescission.

54244. Section 54241 shall not apply to any public leaseback which is executed prior to the effective date of Section 54241.

54245. If any one or more local or public agencies shall, prior to the effective date of Section 54241, have taken formal action to implement any one or more projects to be acquired or constructed pursuant to a public leaseback, Section 54241 shall not apply to the subsequent execution by such local or public agency of such public leaseback relating to any such project. Formal action to implement any one or more projects shall include any of the following actions:

- (a) The incurring of liability of five thousand dollars (\$5,000) or more for a substantial portion of an architectural or engineering contract or other contract relating to a project;
- (b) The acquisition of land or improvements for the project;
- (c) The making of a contribution totaling five thousand dollars (\$5,000) or more toward the leaseback project.

CHAPTER 305

An act to amend Section 13041 of the Public Resources Code, relating to resort improvement districts.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 13041 of the Public Resources Code is amended to read:

13041. The district board may authorize each director to receive compensation not exceeding twenty-five dollars (\$25) and reimbursement for travel expenses actually incurred by him not exceeding fifteen cents (\$0.15) per mile for each meeting of the board attended by him within the State of California, not exceeding two meetings in any calendar month.

The district board may authorize a director to receive for performing duties for the district other than attending board meetings:

(a) Not to exceed twenty-five dollars (\$25) for each day, but payment is limited to five days in any calendar month as to each director other than the president.

(b) Traveling and other expenses actually incurred by him in performing such duties.

The secretary shall receive compensation set by the board, which compensation shall be in lieu of any other compensation to which he may be entitled for attendance at meetings pursuant to this section.

CHAPTER 306

An act to add Section 54931.19 to the Government Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Section 54931.19 is added to the Government Code, to read:

54931.19. Notwithstanding Sections 54902 and 54903, any creation of a parks and parkways maintenance district organized during the fiscal year 1969-70 or during the fiscal year 1971-72 pursuant to Chapter 26 (commencing with Section 5820), Part 3, Division 7 of the Streets and Highways Code shall be effective for assessment and taxation purposes for the fiscal year 1972-73 if the statement and

maps or plat referred to in Sections 54900 through 54903, inclusive, are filed with the assessor and the State Board of Equalization on or before March 15, 1972.

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

To permit parks and parkways maintenance districts which have been created during fiscal years 1969-70 and 1971-72 to levy taxes for the year 1972, even though statements and maps or plats required to be filed with assessing authorities are filed after January 1, 1972, to function and provide services, it is necessary that this act take immediate effect.

CHAPTER 307

An act to amend Section 25503 of the Government Code, relating to county property.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 25503 of the Government Code is amended to read:

25503. When purchasing personal property for which it is not necessary to advertise for bids, the board may authorize the county purchasing agent by ordinance to solicit and accept advantageous trade-in allowances for county personal property which has scrap value of less than ten thousand dollars (\$10,000) and which has been previously determined by the purchasing agent to be not further required for public use.

CHAPTER 308

An act to amend Sections 19101 and 19252 of, to add Section 19083 to, and to repeal Section 19254 of, the Government Code, relating to the state civil service.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 19083 is added to the Government Code, to read:

19083. Limited-term employees shall be subject to such conditions affecting appointment, status, tenure and separation during and after employment as the board by rule determines, including providing for the establishment of employment lists from which appointments are made.

SEC. 2. Section 19101 of the Government Code is amended to read:

19101. The board may by rule provide for establishment of employment lists from which intermittent appointments may be made. Eligibles shall be certified in accordance with their position on the appropriate employment list and their willingness to accept appointment to such position as "intermittent employees."

SEC. 3. Section 19252 of the Government Code is amended to read:

19252. Upon giving two days' notice to his immediate superior, any state employee otherwise qualified shall be permitted to take any state civil service examination during working hours, if the examination is scheduled during such period, or to attend a meeting of the board at which is scheduled for consideration a matter specifically affecting his position concerning which he has requested to be heard, without deduction of pay or other penalty. Employment interviews for eligibles on employment lists shall be considered part of the examination process under this part.

SEC. 4. Section 19254 of the Government Code is repealed.

CHAPTER 309

An act to amend Section 31641.01 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 7, 1972 Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 31641.01 of the Government Code, is amended to read:

31641.01. In any county of the eighth or ninth class as established in Sections 28020, 28029 and 28030 as amended by Chapter 1204 of the Statutes of 1971, the board of supervisors may provide by ordinance that each member shall be credited, at the rate of one day for each one day earned, with sick leave accumulated as of the date of his retirement and that sick leave credit shall be in addition to service credit. The additional cost to the retirement system shall be borne by the county or district.

CHAPTER 310

An act to add Article 7.5 (commencing with Section 13631) to Chapter 8 of Division 6 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 7, 1972. Filed with Secretary of State July 7, 1972.]

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

SECTION 1. Article 7.5 (commencing with Section 13631) is added to Chapter 8 of Division 6 of the Public Utilities Code, to read:

Article 7.5. Short-Term Borrowing

13631. The special district may borrow money and incur indebtedness in anticipation of the sale of bonds which have been authorized to be issued by the voters within the special district but which have not been sold and delivered, and it may issue bonds, notes, or other securities as provided in this article by action of the board and without the necessity of calling and holding an election. Such evidences of indebtedness shall constitute general obligations of the district. The indebtedness may be incurred for any of the purposes for which a bond issue had previously been approved by the voters, and to reimburse the district for expenditures incurred for any of such purposes. The indebtedness incurred under this article shall be evidenced by bonds, notes or other evidences of indebtedness maturing in not to exceed five years from their date, shall bear interest at such rate or rates as may be fixed by the board, and may be issued and sold at public sale as the board may direct. All other terms and conditions of such evidences of indebtedness shall be fixed by the board. The maximum principal amount of all indebtedness outstanding under this article shall not at any time exceed the aggregate amount of bonds which the district is then authorized to issue, less the amount of other securities then outstanding issued in anticipation of the sale of such an authorized issue.

13632. The special district may issue refunding bonds, notes, or other securities for the purpose of paying and redeeming at or before maturity any bonds, notes or other securities issued under this article, provided that such refunding bonds, notes, or other securities shall not be in excess of the limitation of indebtedness authorized under this article and shall mature in not to exceed five years from their date.

13633. Evidences of indebtedness issued pursuant to this article shall be payable from any sources of available funds of the special district, including revenues, taxes, or state or federal grants. If not previously otherwise paid the evidence of indebtedness shall be paid from the proceeds of the next sale of the bonds of the district in

anticipation of which they were issued, and if not so paid, the board is hereby authorized to levy and collect taxes from all property in the special district subject to taxation by the district without limitation of rate or amount for the payment of such evidences of indebtedness. Such taxes shall be in addition to all other taxes levied for special district purposes and shall be levied at the same time and in the same manner as other district taxes are levied and when collected shall be deposited in a special fund and shall be used for no purpose other than the payment of the principal of, and interest on, such indebtedness.

CHAPTER 311

An act to amend Section 21407.5 of the Public Utilities Code, relating to aviation.

[Approved by Governor July 7, 1972. Filed with
Secretary of State July 7, 1972.]

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

SECTION 1. Section 21407.5 of the Public Utilities Code is amended to read:

21407.5. It is unlawful for any person, while under the influence of intoxicating liquor, narcotics, or restricted dangerous drugs to operate an aircraft in the air, or on the ground or water, or to engage in parachuting for sport.

CHAPTER 312

An act to add Section 464 to the Health and Safety Code, relating to hospitals.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 464 is added to the Health and Safety Code, to read:

464. The county health officer shall furnish to all hospitals within the county copies of the lists prepared pursuant to Section 463 in sufficient numbers as each hospital may need for voluntary distribution to abortion and maternity patients at the hospital.

CHAPTER 313

An act to add Section 13969.1 to the Education Code and Section 20365 to the Government Code, relating to retirement.

[Approved by Governor July 10, 1972 Filed with
Secretary of State July 10, 1972]

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

SECTION 1. Section 13969.1 is added to the Education Code, to read:

13969.1. Any member who was a member of the Public Employees' Retirement System in employment continuously from 1949 to 1961 as a business manager of a school district in which he was included in the federal system and who prior to June 26, 1961, entered employment in the same school district without a break in service exceeding 30 days and became a member of this system is excluded from membership in this system with respect to all past and future employment in such district if he elects to become a member of the Public Employees' Retirement System in such employment. Upon such election all contributions and interest credited to his individual account shall be refunded and his membership in this system shall terminate.

SEC. 2. Section 20365 is added to the Government Code, to read:

20365. Any member who became a member in employment since 1961 as a business manager of a school district in which he was included in the federal system and elected to have his contributions remain in the fund upon leaving such employment and entering employment in the same school district in which he became a member of the State Teachers' Retirement System, and in which he has continued without a break in service exceeding 30 days to the date of election, may elect to become a member of this system in such employment. The election must be filed in the office of the board on or before December 31, 1972, and shall be effective only if accompanied by contributions in the amount of the accumulated contributions which would have been credited to his account in the employment in which he was a member of State Teachers' Retirement System had he been a member in such employment but not included in the federal system. Upon such election and contribution, he shall become a member of this system and shall receive credit for all of his employment in the school district. His contribution rate from and after the date of such election shall be based upon the age upon which his contribution rate in his earlier membership was based. The retirement allowance for the service in which he was a member of State Teachers' Retirement System shall be computed as though he had never been included in the federal system.

This section shall become inoperative 120 days after the effective date of this section.

CHAPTER 314

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

[Approved by Governor July 10, 1972 Filed with
Secretary of State July 10, 1972]

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

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

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

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

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.

Community college districts.

Community facilities districts.

Community service districts.

Conservancy districts.

County boards of education.

County drainage districts.

County fire protection districts.

County flood control and water districts.

County maintenance districts.

County power pumping districts.

County sanitation districts.

County service area improvement areas.

County service areas.

County sewerage and water districts.

County water agencies.

County water authorities.

County water district improvement districts.

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

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

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

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

body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

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

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

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

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

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

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

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

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

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

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

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

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

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

effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1972.

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

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

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

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

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

CHAPTER 315

*An act to amend Section 4894 of the Health and Safety Code,
relating to sewer maintenance districts.*

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 4894 of the Health and Safety Code is amended to read:

4894. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to a county sewer maintenance district located wholly within the county for use by the district in emergency situations for the construction, reconstruction, and repair of sewer systems, for replacement of obsolete equipment, or to defray unusual maintenance costs within the district. Any such loan may be restricted for use in a temporary zone formed under the provisions of Section 4894.1 in a district. The loan shall not exceed 100 percent of the tax levy of the district or zone for the year in which the loan is made.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may provide for the payment of interest on the loan and the loan shall be repaid at the times and in the manner specified in the resolution which time shall not in any event exceed 10 years.

Funds so loaned shall be deemed to have been appropriated by the district or temporary zone in a district for the purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed to be responsible for the loan, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

The board may also borrow funds from another sewer maintenance district, and the board may lend available district funds to another sewer maintenance district, subject to the same terms and conditions as apply to loans of county funds.

CHAPTER 316

An act to amend Section 19310 of, and to add Section 19310.5 to, the Streets and Highways Code, relating to highway lighting districts.

[Approved by Governor July 10, 1972. Filed with Secretary of State July 10, 1972.]

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

SECTION 1. Section 19310 of the Streets and Highways Code is amended to read:

19310. The board of supervisors may from time to time transfer moneys to the district, for the benefit of the zone, from any available funds of the county. Any moneys so transferred shall bear interest at a rate to be fixed by the board and are hereby appropriated, and shall be used, for the payment of any currently payable expenses incurred by reason of the installation of the lights proposed for the zone, and for the cost of maintenance thereof prior to December 1st of the first fiscal year in which a special tax may be levied in and on behalf of the zone. All costs of maintenance of the lights, subsequent to that date, shall be budgeted and included in the general levy of taxes in and on behalf of the district as a whole.

SEC. 2. Section 19310.5 is added to the Streets and Highways Code, to read:

19310.5. Any area of the district, or of a zone in the district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate share of the unpaid balance of the loan.

 CHAPTER 317

An act to amend Section 14038 of, and to add Section 14038.1 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 10, 1972. Filed with Secretary of State July 10, 1972.]

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

SECTION 1. Section 14038 of the Education Code as added by Chapter 1004 of the Statutes of 1971 is amended to read:

14038. A member receives full-time service credit for a period of sabbatical leave after July 1, 1956, as provided under Section 13997 providing the member pays to the system additional contributions based on the compensation, which is the difference between compensation earned and the compensation earnable during the period of sabbatical leave, in the amount of:

(a) Eight percent of such compensation as employer and state cost of granting service credit, and

(b) Member's regular contribution rate as applied to such compensation.

Regular interest is due on all contributions required under this section from the end of the school year during which the sabbatical leave was taken until date of payment of such contributions.

SEC. 2. Section 14038.1 is added to the Education Code, to read:

14038.1. The employing school district may pay the amount required as employer and state costs in subdivision (a) of Section 14038.

CHAPTER 318

An act to amend Section 11656.6 of the Insurance Code, relating to group workmen's compensation policies.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972]

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

SECTION 1. Section 11656.6 of the Insurance Code is amended to read:

11656.6. An insurer may issue a workmen's compensation policy insuring an organization or association of employers as a group if such organization or association complies with the following conditions:

(a) Files with the commissioner or a licensed workmen's compensation rating organization designated by him:

(1) A copy of its articles of incorporation and bylaws or its agreement of association and rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof;

(2) A statement setting forth its reasons for desiring insurance as a group;

(3) A statement certifying that at least 75 percent of its regular membership is engaged in a common trade or business, and an agreement that such percentage of membership will be maintained during such time as a group workmen's compensation policy issued to such organization or association is in force;

(4) An agreement that only those members who are engaged in a common trade or business shall be named by the organization or association in any statement to the commissioner, a licensed workmen's compensation rating organization or insurer as eligible for insurance as a member of the group, and an agreement that it will immediately notify its insurer if any member of such organization fails to remain a member in good standing in accordance with the basic law, rules and regulations of such organization or association;

(5) A statement in writing undertaking to establish and maintain a safety committee which by education and otherwise will seek to reduce the incidence and severity of accidents.

(6) An agreement in writing duly executed guaranteeing that, if the insurer notifies the organization or association of the nonpayment of a premium by an insured member of the organization or association within 60 days after the premium was due, the organization or association will pay to the insurer the amount of any past due premium which does not exceed the amount of the dividends that are due to the organization or association or its members from the insurer. The organization or association shall promptly notify the insurer of the known insolvency of any member of the group plan, and shall request upon learning of such insolvency, removal of the member from the group plan. A copy of the resolution of the governing board of such organization or association authorizing the execution of the guarantee agreement shall be filed with the commissioner or a licensed workmen's compensation rating organization designated by him and with any insurer issuing a group policy.

(b) "Common trade or business" as used in this article shall mean:

(1) In agricultural enterprises, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to farms; nurserymen; cultivating or gardening of flowers; and classifications embracing such other operations as may be conducted by a nonprofit cooperative association composed of producer members and combinations of nonprofit cooperative agricultural marketing associations having a central organization composed of member associations.

(2) In the building and construction industry, operations in the construction or repair of commercial or residential buildings or in general engineering construction in which the principal payroll develops under any combination of the classifications applicable to such construction or repair as they appear in the Manual of Rules, Classifications and Basic Rates for Workmen's Compensation Insurance approved by the Insurance Commissioner. Commercial buildings as defined in this subsection shall mean any nonresidential buildings.

(3) In the transportation and warehousing industry, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rules of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to for hire motor carriers and warehousemen subject to regulation by the California Public Utilities Commission.

(4) For all other enterprises, operations in which the principal payroll develops under a single manual classification.

(c) "Principal payroll," for the purpose of this section, means not

less than 51 percent of the total payroll for the preceding policy year or in the case of an employer who has no preceding full year's payroll, not less than 51 percent of his estimated annual payroll.

CHAPTER 319

An act to amend Sections 880 and 20806 of, and to add Sections 13658.5, 20110, 20806.5, and 20806.6 to, the Education Code, and to amend Sections 802 and 803 of, to add Article 6 (commencing with Section 821) to Chapter 3 of Part 1 of Division 1 of, and to repeal Section 803.5 of, the Unemployment Insurance Code, relating to unemployment insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972]

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

SECTION 1. Section 880 of the Education Code is amended to read:

880. All expenses shall be paid out of the county school service fund necessary for the county board of education and the county superintendent of schools to perform the duties, render the services and comply with the provisions of Education Code Sections 811, 812, 857, 885.2, 1131, 6815, 6932, 7103, 11706, 12821, 12822, 12825, 13512, 13528, 13658, 16858, 16860, 16902, 17206, 17460, 20102, 20105, 20106, 20110, 21052 and 21053 and with the provisions of Part 1 (commencing with Section 100) of Division 1 of the Unemployment Insurance Code.

The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to the sections and part enumerated above.

SEC. 1.5. Section 13658.5 is added to the Education Code, to read:

13658.5. The Director of the Department of Human Resources Development is the administrator of the system of unemployment insurance, as provided in Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code.

SEC. 2. Section 20110 is added to the Education Code, to read:

20110. There is hereby established in the county schools service fund of each county the "classified service unemployment account." This account shall be excluded from limitations placed on budgetary reserves and shall function for the purpose of implementation of Section 13658 and Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code.

The Superintendent of Public Instruction shall have authority to represent, or arrange with a county superintendent of schools or make designation thereof consistent with this section for the representation of school employers at hearings held under Part 1 (commencing with Section 100) of Division 1 of the Unemployment Insurance Code. The cost of services provided by the Superintendent of Public Instruction under this section and under Section 822 of the Unemployment Insurance Code shall be paid from the Classified School Employees Fund.

Each county superintendent of schools, unless notified by the administrator to the contrary, shall perform such duties and render such services as required to implement such program. Any district, combination of districts, county, combination of counties, or combination of counties and school districts, may be established by the administrator whereby one agency may administer the program for the purpose of consolidation for economy and employment of specialists. This consolidation may include the services of a regional data center operated by a county superintendent of schools or the data processing services of a school district.

Each school employer shall perform pursuant to Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code and shall respond to the administrator and the county superintendent of schools or designated agency as soon as possible, in no case later than 48 hours, to inquiries made on behalf of such county superintendent or the administrator in reference to any aspect of eligibility, notice of claim or appeal under the unemployment insurance program. Each county superintendent or agent thereof who is responsible for administering the unemployment insurance program shall be responsible for timely responses to any inquiry by the administrator, State Treasurer, State Controller, or other officer or person responsible for disbursements on behalf of the joint account, the Classified School Employees Fund in the State Treasury as established by Section 822 of the Unemployment Insurance Code, and the Unemployment Fund in the State Treasury. Any school employer which fails to pay the contributions, interest, charges or levies within the time required shall be liable for interest on moneys due at the rate of one-half percent (0.5%) per month. If, except as stated in Section 828 of the Unemployment Insurance Code with reference to Section 826 thereof, the school employer fails, without good and substantial cause, to pay any sums required within the time required a penalty of 10 percent of the amount noticed, billed or required shall be made by the administrator. The administrator may for good cause waive all or a portion of interest and penalty.

SEC. 2.5. Section 20806 of the Education Code is amended to read:

20806. For the purpose of providing funds for the payment by the district of all or part of the premiums, dues, or other charges for health and welfare benefits on active officers and employees and

retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, or on the spouses and dependent children of such active and retired officers and employees, or on both such active and retired officers and employees and their spouses and dependent children, which the governing board of a district may have authorized in accordance with the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code and for the expenses incurred by the district in administration of a program involving the payment of such health and welfare benefits, district taxes may be levied and collected annually by the respective district at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

The provisions of this section authorizing the payment of all or part of the premiums, dues, or other charges for health and welfare benefits for the retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, shall be limited in applicability to any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year.

SEC. 3. Section 20806.5 is added to the Education Code, to read:

20806.5. For the purpose of implementing Section 13658, a school employer, while utilizing general fund moneys or moneys derived pursuant to Section 20806, may budget for such disbursements for prior, current, and future years, as the need may indicate, for administrative cost reimbursements, payments and reserves for individual employer's obligations pursuant to Section 821 of the Unemployment Insurance Code. Such moneys shall be held in a revolving account by a district, or county superintendent of schools or in such fund or account as may be designated by law or contract. When any such moneys are held by a county, they shall be excluded from limits placed on reserves.

SEC. 4. Section 20806.6 is added to the Education Code, to read:

20806.6. For each school year, the board of supervisors of each county shall cause to be levied a tax as set forth in Section 824 of the Unemployment Insurance Code.

SEC. 5. Section 802 of the Unemployment Insurance Code is amended to read:

802. (a) The State of California, or any instrumentality of this state or of this state and one or more other states, for which services are performed that do constitute employment under Section 605, 605.1, or 605.5 may, in lieu of the contributions required of employers, elect to finance its liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits with respect to such services by any method of financing

coverage that is permitted under Section 803.

(b) Any election under Section 803 for financing coverage under this section shall take effect with respect to services performed from and after the first day of the calendar quarter in which the election is filed with the director, and shall continue in effect for not less than two full calendar years. Thereafter the election under Section 803 may be terminated as of January 1 of any calendar year only if the state or instrumentality, on or before the 31st day of January of that year, has filed with the director a written application for termination. The director may for good cause waive the requirement that a written application for termination shall be filed on or before the 31st day of January. In no event shall any method of financing coverage by an election under Section 803 be valid that would establish any different method of financing coverage for any calendar quarter where an election for coverage has also been made by the state or any instrumentality under any provision of Article 4 (commencing with Section 701) of this chapter.

(c) The director may require from the state and each instrumentality, including any agent thereof, such employment, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this division, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state or instrumentality.

(e) The state and each instrumentality, including any agent thereof, shall keep such work records as may be prescribed by the director for the proper administration of this division.

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

SEC. 6. Section 803 of the Unemployment Insurance Code is amended to read:

803. (a) As used in this section "entity" means any employing unit that is authorized or required by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 801 or 802 to elect a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

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

on base period wages with respect to employment for an entity pursuant to this section shall be borne solely by the appropriate entity. If benefits are based on wages paid during a base period by two or more entities, the benefits shall be borne by each of the entities in the proportion that the total wages paid to the individual in employment by each entity during the base period bears to the total wages paid to the individual in employment by all entities during the base period. "Total wages paid" as used in this subdivision, include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930. The director may by authorized regulations prescribe a method of providing a good and sufficient bond to guarantee payment of contributions under this subdivision.

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

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

(c) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an election under subdivision (b) of this section.

(d) In making the payments prescribed by subdivision (b) of this section there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be

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

Upon making such determination, the director shall give notice of the determination, pursuant to Section 1140, to the entity. The director may cancel any contributions or portion thereof which he finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or other liable fund to the Unemployment Fund by the Controller or other officer or person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the contributions required within the time required shall be liable for interest on the contributions at the rate of $\frac{1}{2}$ percent per month or fraction thereof from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions, shall apply to the assessments provided by this section. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(e) To the extent permitted by federal law, no contributions shall be due from any entity other than a nonprofit organization which has elected a method of financing under subdivision (b) and which has previously made contributions required of employers pursuant to an elective coverage agreement or under compulsory coverage until the additional cost of benefits paid and reimbursable by or the cost of benefits paid and reimbursable by the entity under this section together with the benefits charged and chargeable to the reserve account of the entity as a result of its prior election or compulsory

coverage exceed the contributions made by the entity and credited to its reserve account pursuant to its prior election or compulsory coverage.

(f) Except with respect to a political subdivision electing coverage pursuant to Section 710.2, the director may terminate the election of any entity for any method of financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

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

(h) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve account used by the entity pursuant to Section 712 or used by a public entity pursuant to subdivision (e). Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall, to the extent permitted by federal law, be included as a period during which a reserve account has been subject to benefit charges.

SEC. 7. Section 803.5 of the Unemployment Insurance Code is repealed.

SEC. 8. Article 6 (commencing with Section 821) is added to Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code, to read:

Article 6. Financing Unemployment Insurance Coverage for Public School Employees

821. (a) Effective January 1, 1972, each employing unit defined by Section 135.3 shall, in lieu of the contributions required of employers, pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for such employing unit and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good

and sufficient bond to guarantee payment of contributions.

(b) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an employing unit under subdivision (a) of this section.

(c) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each employing unit for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall mail notice of the determination to the employing unit.

The director may cancel any contributions or portion thereof which he finds have been erroneously determined. The contributions due from the employing units shall be paid, transferred or credited from the Classified School Employees Fund established in the State Treasury by Section 822 to the Unemployment Fund by the State Treasurer, State Controller, or other officer or person responsible for disbursements on behalf of the employing unit within 30 days of the date of mailing of the director's notice of determination to the employing unit.

Each employing unit shall send a copy of any and all notices, billings or correspondence not normally routed to the administrator regarding unemployment insurance for the classified school employees to the administrator and county superintendent of schools, or agent thereof with timely documentation of charges or determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of this part with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of this part with respect to the collection of contributions, shall apply to the assessments provided by this article. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(d) Notwithstanding any other provision of this section, no employing unit shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(e) The administrator shall adopt rules and regulations for the administration of this article in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

821.3. As used in this article, "administrator" means the Director

of the Department of Human Resources Development.

821.5. The provisions of Article 3 (commencing with Section 1326) of Chapter 5 of this part relating to filing, determination, and payments of unemployment compensation benefit claims, and all other provisions of this part not inconsistent with this article, shall apply to all claims and matters arising under this article.

822. There is hereby established in the State Treasury the "Classified School Employees Fund". Moneys received from tax levies pursuant to Section 825, together with any charges, notices, fees, interest, penalties, assessments, or other revenue, shall be deposited in this fund. All money in the fund is hereby appropriated to the administrator without regard to fiscal year for carrying out the purposes of this article, for administrative costs, for making refunds, and for investment through the Surplus Money Investment Fund, with any interest or earnings credited to the Classified School Employees Fund. Funds to be used for administrative costs shall be budgeted and expended in accordance with existing state law. The administrator shall take all action necessary to administer the program. The Superintendent of Public Instruction is hereby authorized to obtain pertinent personnel records and data from any school employer and to act as an agent individually or collectively for school employers in matters pertaining to unemployment insurance.

823. For the purpose of providing funds for the payment of billings, notices, and other expenses of unemployment insurance for classified school employees pursuant to Sections 13658 and 20806.6 of the Education Code each county board of supervisors shall levy, at the same time and in the same manner as other taxes are levied, a tax or taxes as set forth below. The tax shall be in addition to any other taxes now or hereafter authorized by law, and shall not be considered in fixing maximum rates of taxes for school district purposes, or any other purpose. Moneys collected pursuant to this section shall be remitted by the school district or on the school district's behalf by the county auditor to the State Treasurer within 30 days of collection, and shall be deposited in the Classified School Employees Fund.

For 1972-1973 and 1973-1974 fiscal years each school employer employing classified school employees shall budget and remit on or before the last day of the calendar month following the close of each calendar quarter to the State Treasurer for deposit in the Classified School Employees Fund in the State Treasury one-half percent (0.5%) of total wages, including taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930, reported for calendar years 1972 and 1973, except that payments due for the first three quarters of 1972 shall not be owing until after December 15, 1972, but shall be paid within 30 days of receipt of tax moneys levied for this purpose.

For the 1974-1975 fiscal year, and for subsequent fiscal years, the schedule set forth in Section 824 shall apply for purposes of determining the amount of levy, if any, which shall be made. The provisions of this section shall be operative until the 61st day after the

final adjournment of the 1974 Regular Session of the Legislature, and shall thereafter have no force or effect.

824. On or before July 10, 1974, and each calendar year thereafter, the administrator shall notify the county board of supervisors and the county auditor of each county, of the cash balance in the Classified School Employees Fund as of May 31 of that year. If such balance as a multiple of the total amount of unemployment benefits charged to school employers during the preceding calendar year equals or exceeds the amount set forth on any line of column 1 and is less than the amount set forth in column 2 of that same line, each county board of supervisors shall levy a tax at the rate (per one hundred dollars (\$100) of assessed valuation) set forth on that line in column 3 below. Thus, the administrator shall divide the past year's disbursements into the unencumbered balance of the fund to establish a multiple and so inform each county auditor of the appropriate tax rate; except that such tax rate shall be modified by a factor provided pursuant to Section 17261 of the Education Code and Section 1819 of the Revenue and Taxation Code. The county auditor shall remit the proceeds of such tax to the State Treasurer within 30 days of collection to be deposited in the Classified School Employees Fund.

Line	Fund multiple on March 31		Tax rate (\$ per \$100)
	Column 1	Column 2	Column 3
1	0.0	1.0	\$0.009
2	1.0	1.25	0.007
3	1.25	1.5	0.005
4	1.5	2.0	0.004
5	2.0	2.5	0.003
6	2.5	3.0	0.002
7	3.0, or more		0.001

825. For the purpose of providing funds for the payment by each school employer as defined in Section 135.3 of all or part of charges for unemployment insurance benefits, fees, notices, assessments, interest or penalties, on behalf of employees, pursuant to Section 13658 of the Education Code and for the expenses incurred by the school employer in administering such program, taxes may be levied and collected annually at the same time and in the same manner as other taxes are levied and collected. The tax shall be in addition to any other school employers' tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of taxes for school purposes.

826. Each school employer shall each fiscal year budget in addition to the provisions of Section 823 an amount which together with unencumbered balance shall be not less than that which is determined, but in no case less than fifteen dollars (\$15) per each covered classified employee, as follows:

Each employer in the categories specified below shall multiply the

fiscal year budget, for the total wages, including taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930, of covered classified employees by the percentage specified below for each category.

Cate- gory	Employers	Average daily attendance (ADA)	Multi- plier
a.	Any over; and such personnel commissions serving same	96,000	0.2%
b.	Any with between	48,000 and 96,000	0.25%
c.	Any with between	24,000 and 48,000	0.3%
d.	Any with between	12,000 and 24,000	0.5%
e.	Any with between	6,000 and 12,000	0.7%
f.	Any with between	3,000 and 6,000	0.8%
g.	County offices and personnel commissions except as stated in a. above, and school employers with under	3,000	1.0%

827. The Classified School Employees Fund in the State Treasury shall be partially reimbursed from the funds budgeted under Section 826 by virtue of "a local experience charge", as set forth in Section 828, which shall be made by the administrator, as the employer's responsibility for sharing in the reimbursement billing caused by the school employer's experience. Such reimbursement charge shall be placed as an information item on the governing board's agenda for the next following regular meeting.

828. Each school employer shall be responsible for a quarterly local experience charge as set forth below, together with such charges or penalties set by the administrator for administrative indiscretions including tardiness, error, as well as all costs for benefits and administration resulting from failure to properly cover an employee. Such reimbursement for charges shall be delinquent 30 days from the date of notice and if not paid within the time required the school employer shall pay a penalty of 10 percent of the unpaid amount plus interest at the rate of one-half of one percent (0.5%) per month. However, if funds are not available to pay local experience charges, when the budget requirements as set forth in Section 826 were adhered to, penalties shall be waived by the administrator for a period of not to exceed nine (9) months. The formula to be used for calculating the local experience charge to be levied against each school employer is as follows:

Local Experience Charge

Step (a) The amount of benefits paid during any quarter shall be divided by the number of employees on the school employer's quarterly Contribution Return and Report of Wages to the department for that quarter.

Step (b) The amount derived by step (a) shall be distributed in line 1, then 2 and then 3, in accordance with the following table.

That portion of step (a) which is equal to or exceeds column (a) and is not greater than column (b) shall be multiplied by the rate on the same line.

Line	Value derived in step (a) is to be distributed		Rate
	Column (a)	Column (b)	
1	\$0.00 up to \$40.00		10%
2	\$40.01 up to \$80.00		5%
3	\$80.01 and over		1%

Step (c) The values in step (b) shall be added.

Step (d) The sum derived in step (c) shall be multiplied by the number of employees on the school employer's last quarterly Contribution Return and Report of Wages.

829. The total amount derived in step (d) of Section 828 shall be the amount that the school employer, county superintendent of schools or empowered entity shall on behalf of the employers under such jurisdiction reimburse the Classified School Employees Fund in the State Treasury. However, this amount shall not exceed one and seven-tenths percent (1.7%) of the actual annual wages paid by a school employer in any calendar year as indicated in the four quarterly reports to the department.

830. For the purpose of financing unemployment insurance coverage for classified employees employed by the school employers under specially funded projects, the funding agency shall remit to each school employer two and seven-tenths percent (2.7%), plus the rate in effect under Section 976.5, of the taxable wages paid to such employees. The school employer or county auditor shall remit on or before the last day of the calendar month following the close of each calendar quarter to the State Treasurer for deposit in the Classified School Employees Fund in the State Treasury such an amount, whether or not received from the funding agency, for deposit. Such funds become the property of the fund and shall not be held exclusively for employees of specially funded projects.

831. Each school employer employing classified school employees pursuant to specially funded projects or contracts shall budget and remit on or before the last day of the calendar month following the close of each calendar quarter to the State Treasurer for deposit in the Classified School Employees Fund in the State Treasury, a surcharge of one percent (1%) of such employees' total wages for the 1972-1973 fiscal year and each fiscal year thereafter.

832. The administrator shall at least annually calculate experiences of school employers relative to usage of the Unemployment Fund by specially funded employees. Such calculations shall include individual tabulations on the experience of each school employer in relation to expenditures made on behalf of

specially funded project employees and the income to the Classified School Employees Fund from the wages paid such employees by such employer and all school employers' participation with special funds shall be listed and ranked by ratio of use and reported annually to the affected school employer and governing board thereof prior to the 15th day of October of each year.

The administrator shall develop experience relationships on all benefits paid to employees via the Classified School Employees Fund and on school employers' experience related to use and exposure. Data shall relate to numbers of employees and types of programs. A report by the administrator on the above shall be made each year to the Legislature prior to the 15th of February containing comments and recommendations on improvement to administration, enforcement and financing of the provisions relative thereto.

SEC. 9. The amendment to Section 20806 of the Education Code enacted by Section 2.5 of this act shall become operative on the 61st day after the final adjournment of the 1974 Regular Session of the Legislature. Any funds derived pursuant to the authority of that portion of that section deleted by the amendment made by this act shall, after that date, be deemed to have been derived pursuant to Section 825 of the Unemployment Insurance Code.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that school employers have knowledge prior to June 30, 1972, of which method of financing they will be under and have knowledge of the statutory authority to levy such tax rates as are necessary for the implementation of the program. For these reasons it is essential that this act take effect immediately.

CHAPTER 320

An act to amend Section 6401 of the Elections Code, relating to candidates.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 6401 of the Elections Code is amended to read:

6401. No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed, either by the candidate himself or by sponsors on his behalf, (1) unless at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as

he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks, and (2) the candidate has not been registered as affiliated with a political party other than that political party the nomination of which he seeks within 12 months immediately prior to the filing of the declaration.

The county clerk shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he seeks, and indicating that the candidate has not been affiliated with any other political party for the 12-month period immediately preceding the filing of the declaration.

CHAPTER 321

An act to amend Sections 26880, 26881, 26882, 26883, 26884, 26885, and 26886 of the Government Code, relating to county controllers.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 26880 of the Government Code is amended to read:

26880. The board of supervisors may create the office of controller. The office of county controller shall be held ex officio by the county auditor.

SEC. 2. Section 26881 of the Government Code is amended to read:

26881. The county auditor, or in counties which have the office of controller, the auditor-controller shall be the chief accounting officer of the county. Upon order of the board of supervisors the auditor or auditor-controller shall prescribe, and shall exercise a general supervision over, the accounting forms and the method of keeping the accounts of all offices, departments and institutions under the control of the board of supervisors and of all districts whose funds are kept in the county treasury.

SEC. 3. Section 26882 of the Government Code is amended to read:

26882. In addition to the accounts required by law the auditor-controller shall, upon order of the board of supervisors, maintain such accounts and statistics and prepare such reports therefrom as the board may deem necessary for its information and use in the management and control of the operations of the county and of those districts whose funds are kept in the county treasury.

SEC. 4. Section 26883 of the Government Code is amended to read:

26883. In addition to the power now possessed by the board of supervisors to enter into contracts for audits the board shall have the power to require that the county auditor-controller shall audit the accounts and records of any department, office, board or institution under its control and of any district whose funds are kept in the county treasury. The county auditor-controller's report on any such audit shall be filed with the board of supervisors and a copy thereof with the district attorney.

The governing body of any district may agree with the board of supervisors to reimburse the county for its actual cost of any audit of its accounts and records had under this section.

SEC. 5. Section 26884 of the Government Code is amended to read:

26884. In the event the board of supervisors elects to require that the county auditor-controller perform the additional services authorized by this chapter it shall have the power and it shall be its duty to provide by proper appropriations for any additional personnel, equipment, supplies or expenses made necessary thereby.

SEC. 6. Section 26885 of the Government Code is amended to read:

26885. The provisions of this chapter shall become operative only upon their adoption by a resolution passed by a three-fifths vote of the board of supervisors at a regular meeting at which all members are present. This resolution may be repealed by the board of supervisors at any time by a three-fifths vote.

SEC. 7. Section 26886 of the Government Code is amended to read:

26886. In the event the board of supervisors elects to make the provisions of this chapter operative, it may provide for the payment of compensation which it deems proper for the combined offices of auditor-controller in a single amount or in two separate amounts, one for auditor and one for controller as it may deem proper. The board of supervisors may elect to provide such compensation on creation of the office of controller, or at any time thereafter.

CHAPTER 322

An act to amend Section 33401 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 33401 of the Health and Safety Code is amended to read:

33401. The agency may in any year during which it owns

property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

The agency may also pay to any school district with territory located within a project area any amounts of money which in the agency's determination is appropriate to alleviate any financial burden or detriment caused to any such school district by a redevelopment project.

CHAPTER 323

An act to amend Section 33601 of the Health and Safety Code, relating to redevelopment agencies.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 33601 of the Health and Safety Code is amended to read:

33601. An agency may borrow money or accept financial or other assistance from the state or the federal government or any other public agency for any redevelopment project within its area of operation, and may comply with any conditions of such loan or grant.

An agency may borrow money (by the issuance of bonds or otherwise) or accept financial or other assistance from any private lending institution for any redevelopment project for any of the purposes of this part, and may execute trust deeds or mortgages on any real or personal property owned or acquired.

CHAPTER 324

An act to amend Section 33352 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 33352 of the Health and Safety Code is amended to read:

33352. Every redevelopment plan submitted by the agency to the legislative body shall be accompanied by a report containing:

- (a) The reasons for the selection of the project area.

(b) A description of the physical, social, and economic conditions existing in the area.

(c) The proposed method of financing the redevelopment of the project area in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

(d) A method or plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area, which method or plan shall include the provision required by Section 33411.1 that no persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement.

(e) An analysis of the preliminary plan.

(f) The report and recommendations of the planning commission.

(g) The summary referred to in Section 33387.

(h) The report required by Section 65402 of the Government Code.

(i) The report required by Section 21151 of the Public Resources Code.

CHAPTER 325

An act to amend Section 2151 of the Streets and Highways Code, relating to street or road expenditures.

[Approved by Governor July 10, 1972 Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 2151 of the Streets and Highways Code is amended to read:

2151. On or before the first day of October of each year, the governing body of each county and city shall cause to be made and filed with the State Controller a complete report of the expenditures for street or road purposes during the preceding fiscal year ending on the 30th day of June.

The State Controller shall prescribe the form and contents of the report. The report shall show the amount expended for construction by contract, maintenance by contract, construction by day labor, and maintenance by day labor. For construction and maintenance by day labor, the amount shall include the cost of material, labor, equipment, and overhead for work performed thereunder.

The board of supervisors of each county shall by appropriate action, at any regular or special meeting, designate either the county road commissioner or the county auditor as the person responsible for making and signing the report required by this section. When the

road commissioner is designated to make and sign the report, the county auditor shall certify the report before it is filed with the State Controller. When the county auditor is designated to make and sign the report, the road commissioner shall certify the report before it is filed with the State Controller. Reports made by each city shall be certified by the city's fiscal officer.

CHAPTER 326

*An act to amend Section 25100.5 of the Government Code,
relating to county officers.*

[Approved by Governor July 10, 1972. Filed with
Secretary of State July 10, 1972.]

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

SECTION 1. Section 25100.5 of the Government Code, as amended by Chapter 71 of the Statutes of 1971, is amended to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In any county having a population over 557,000 and under 625,000, over 650,000 and under 1,350,000, or over 1,360,000 and under 4,000,000, as designated by Section 28020, as amended in 1971, the clerk of the board of supervisors may be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court or registrar of voters and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 327

An act to amend Section 9024 of the Public Resources Code, relating to resource conservation.

[Approved by Governor July 10, 1972 Filed with
Secretary of State July 10, 1972]

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

SECTION 1. Section 9024 of the Public Resources Code is amended to read:

9024. "Proxy" means a written authorization to vote or sign a petition. Landowners may vote or sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The holder of a proxy of an individual landowner shall be an individual 18 years of age or over or a corporation, partnership, or other legal entity. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may vote or sign a petition only by proxy.

CHAPTER 328

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72712, 72750.5, 72751, 72751.1, 72751.5, 72752, 72753, and 72754 of the Government Code, relating to municipal courts.

[Approved by Governor July 10, 1972 Filed with
Secretary of State July 10, 1972]

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

SECTION 1. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 84 of the salary schedule. Notwithstanding any other provisions of law, whenever any vacancy occurs after the effective date of the amendment of this section by the 1972 Regular Session of the Legislature, the judges shall appoint one clerk who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 74 of the salary schedule.

SEC. 3. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 67.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 67.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 67.

(d) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 65.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 62.

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 67.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 63.

(h) One deputy clerk who shall be assistant secretary and jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 67.

(i) One deputy clerk, who shall be criminal courts coordinator, and who shall receive a monthly salary at a rate specified in Schedule 60.

(j) Five deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 58.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 4. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 58.

(b) Eighty-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 64 and each commissioner or traffic referee in excess of 12 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(c) One deputy clerk, administrative secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 50. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, administrative secretary, clerk, who shall receive a monthly salary at a rate specified in Schedule 49. Appointments to said position shall be at step 3 of said schedule.

(e) One deputy clerk, jury interviewer, who shall receive a monthly salary at a rate specified in Schedule 49.

(f) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

Appointments to said positions shall be at step 3 of said schedule.

(g) Seventy-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(h) Five deputy clerks, supervising clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

(i) One hundred thirty deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(j) One hundred sixty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28.

Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 5. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed.

(a) One computer operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 63.

(b) One head keypunch operator, who shall receive a monthly salary at a rate specified in Schedule 44.

(c) Three supervising keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(d) Three senior keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 36.

(e) Eighty-five keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(f) One senior EDP data systems analyst, who shall receive a monthly salary at a rate specified in Schedule 64.

(g) One EDP data systems analyst who shall receive a monthly salary at a rate specified in Schedule 58.

(h) One head computer operator, who shall receive a monthly salary at a rate specified in Schedule 55.

(i) One EDP staff aide who shall receive a monthly salary at a rate specified in Schedule 42.

(j) Six supervising computer operators, each of whom shall receive a monthly salary at a rate specified in Schedule 53.

(k) Six computer systems operators, each of whom shall receive a monthly salary at a rate specified in Schedule 47.

(l) Six computer equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(m) Six programmer analyst trainees, each of whom shall receive a monthly salary at the rate specified in Schedule 40.

(n) One senior data control clerk, who shall receive a monthly salary at the rate specified in Schedule 38.

(o) Two data control clerks, each of whom shall receive a monthly salary at the rate specified in Schedule 34.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any position having the

same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

Persons occupying positions listed in this section shall be entitled to all employee benefits that are provided for or made applicable to a Los Angeles County employee having an equal period of service.

SEC. 6. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of one hundred thirty-five thousand dollars (\$135,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal one hundred thirty-five thousand dollars (\$135,000) and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 7. Section 72750.5 of the Government Code is amended to read:

72750.5. In each municipal court district having seven judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 72.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointment to said positions shall be at step 3 of said schedule.

(b) Thirteen deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Nine deputy clerks grade IV, plus one additional such deputy

clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 43.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 59.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 59.

(h) One chief clerk—civil, who shall receive a monthly salary at a rate specified in Schedule 59.

(i) One chief clerk—criminal, who shall receive a monthly salary at a rate specified in Schedule 59.

(j) One chief clerk—traffic, who shall receive a monthly salary at a rate specified in Schedule 59.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 8. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 70.

The clerk may appoint:

(a) Ten deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 61.

SEC. 9. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 69.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointments to

said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 60.

SEC. 10. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 69.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointments to said positions shall be at step 3 of said schedule

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 60.

SEC 11. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 68.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to

Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 60.

SEC. 12. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 68.

The clerk may appoint:

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 60.

SEC. 13. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 66.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 28. Appointments to said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 54; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

CHAPTER 329

An act to add Section 4733.5 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 10, 1972. Filed with Secretary of State July 10, 1972.]

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

SECTION 1. Section 4733.5 is added to the Health and Safety Code, to read:

4733.5. Where two or more county sanitation districts have joined in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system, or sewage disposal or treatment plant, or refuse transfer or disposal system, or both, either within or without the districts, or have so joined for any combination of these purposes, as provided in Section 4742, and the districts hold their meetings jointly, and one or more of the directors serve as a director on more than one of such districts meeting jointly, the districts may, by joint resolution approved by each district, limit the compensation of such a director to compensation equal to not more than fifty dollars (\$50) for each jointly held meeting attended by him, not to exceed one hundred dollars (\$100) in any one month for attendance at jointly held meetings.

CHAPTER 330

An act to add Sections 20980.6, 22235, 31011, and 35411 to the Water Code, relating to water districts.

[Approved by Governor July 10, 1972. Filed with Secretary of State July 10, 1972.]

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

SECTION 1. Section 20980.6 is added to the Water Code, to read: 20980.6. The Helix Irrigation District may change its name pursuant to this chapter to the Helix Water District.

SEC. 2. Section 22235 is added to the Water Code, to read:

22235. A district may disseminate information to the public concerning the rights, properties, and activities of the district.

SEC. 3. Section 31011 is added to the Water Code, to read:

31011. A district may disseminate information to the public concerning the rights, properties, and activities of the district.

SEC. 4. Section 35411 is added to the Water Code, to read:

35411. A district may disseminate information to the public concerning the rights, properties, and activities of the district.

SEC. 5. The enactment of Sections 22235, 31011, and 35411 of the

Water Code by the 1972 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 6. The Legislature finds and declares that the term "irrigation district" is no longer descriptive of the actual functions performed by the Helix Irrigation District and the proper functioning of the district may require that the name of the district be changed to the Helix Water District. The problem is not common to other districts governed under the Irrigation District Law. It is necessary, therefore, that the provisions of this act be made applicable only to the Helix Irrigation District.

CHAPTER 331

An act to amend Sections 72608, 72640, 72645 and 72649 of, to repeal Sections 72646 and 72647 of, and to add Section 72646 to, the Government Code, relating to municipal courts.

[Approved by Governor July 11, 1972 Filed with
Secretary of State July 11, 1972]

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

SECTION 1. Section 72608 of the Government Code, as amended by Chapter 399 of the Statutes of 1971, is amended to read:

72608. Certain classes of positions prescribed in Articles 2, 3 and 4 of Chapter 9, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation and employee benefits between such officers and attachés of municipal courts and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions, the provisions of this section shall govern salary adjustments and employee benefits for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no event shall any one such salary adjustment exceed eight schedule numbers. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number.

Table of Positions

Court classification

County classification

Officers Series

Inspector	Inspector
Marshal	
Assistant marshal	
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal IV	Deputy sheriff IV
Deputy marshal III	Deputy sheriff III
Deputy marshal II	Deputy sheriff II
Deputy marshal I	Deputy sheriff I
Deputy marshal-matron	Corrections officer

Administrative—Branch Supervisor—Courtroom Series

All positions subject to civil service provisions enumerated in Articles 2, 3, and 4 not listed in this table, except those specified in Section 72704.5.	Superior court clerk
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Stenographic Series

Intermediate stenographic secretary	Intermediate stenographic secretary
Judicial secretary	
Administrative secretary, presiding judge	
Administrative secretary, clerk	
Administrative secretary, marshal	
Stenographic secretary	
Senior stenographic secretary	

Clerical Series

Deputy clerk II	Intermediate typist-clerk
Deputy clerk I	
Deputy clerk III	
Administrative clerk	
Typist-clerk	
Deputy clerk-custody officer	

Radiotelephone operator,
 marshal
 Senior payroll clerk,
 marshal
 Automotive services
 assistant, marshal

Storekeeper Series

Supply and reproduction supervisor	Storekeeper III
Supply and reproduction assistant	

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding regular session of the Legislature.

Officers and attachés of municipal courts in Los Angeles County shall be entitled to all employee benefits including, but not limited to, paid medical plans, parking and cafeteria privileges, longevity pay, shooting allowance, and uniform and equipment allowance, that are provided for or made applicable to the equivalent Los Angeles County employee classification.

SEC. 2. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 89.

SEC. 3. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

- (a) One assistant marshal who shall receive the monthly compensation specified in Schedule 85.
- (b) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 79.
- (c) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 73.
- (d) Thirty lieutenants, each of whom shall receive monthly compensation as provided in Schedule 67.
- (e) Forty sergeants, each of whom shall receive monthly compensation as provided in Schedule 63.
- (f) Fifty-four deputy marshals IV, each of whom shall receive monthly compensation as provided in Schedule 57.
- (g) One hundred twelve deputy marshals III, each of whom shall receive monthly compensation as provided in Schedule 55.
- (h) Two hundred seventy-six deputy marshals II, each of whom shall receive monthly compensation as provided in Schedule 53, and

who shall have completed one full year of service and possess a P.O.S.T. specialized basic certificate.

(i) Forty-nine deputy marshals I, each of whom shall receive monthly compensation as provided in Schedule 51. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations, provided that notwithstanding the provisions of Section 72649, such deputies shall be subject to a 12-month period of probation.

(j) Thirty deputy marshal-matrons, each of whom shall receive monthly compensation as provided in Schedule 47, and who shall have completed a course of training which meets the requirements of the P.O.S.T. Commission for a specialized law enforcement basic certificate.

SEC. 4. Section 72646 of the Government Code as amended by Chapter 399 of the Statutes of 1971 is repealed.

SEC. 5. Section 72646 is added to the Government Code, to read: 72646. The marshal shall appoint:

(a) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 62.

(b) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 55.

(c) One administrative secretary, marshal, who shall receive monthly compensation as provided in Schedule 49. Appointment to said position shall be at step 3 of said schedule.

(d) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 49.

(e) One senior stenographic secretary who shall receive monthly compensation as provided in Schedule 48.

(f) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 46.

(g) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 45.

(h) Three automotive services assistants, marshal, who shall receive monthly compensation as provided in Schedule 43.

(i) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 43.

(j) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 42.

(k) Twenty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 41.

(l) One senior payroll clerk, marshal, who shall receive monthly compensation as provided in Schedule 41.

(m) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 39.

(n) Fifty-nine deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 38.

(o) Six radiotelephone operators, marshal, who shall receive monthly compensation as provided in Schedule 37.

(p) Three stenographic secretaries, each of whom shall receive

monthly compensation as provided in Schedule 37.

(q) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 32.

(r) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule-26. Appointments to said positions shall be at step 4 of said schedule.

(s) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

SEC. 6. Section 72647 of the Government Code as amended by Chapter 399 of the Statutes of 1971, is repealed.

SEC. 7. Section 72649 of the Government Code, as amended by Chapter 399 of the Statutes of 1971, is amended to read:

72649. Except where this title otherwise provides, all assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal, subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the office of Sheriff, Los Angeles County:

(a) Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the Salary Ordinance of the County of Los Angeles shall apply.

(b) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step 5 of such schedule.

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation. Provided, whenever a person occupying a permanent superior position is supervising a subordinate and the subordinate is receiving compensation at a rate equal to or greater than that which the superior is receiving, the person occupying the superior position shall be entitled to be advanced in steps to the highest salary paid to the highest ranking subordinate which he supervises plus one dollar (\$1).

(d) When any person is demoted to another office or position he shall receive the fifth step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

CHAPTER 332

An act to amend Section 15002.1 of the Education Code, relating to school sites.

[Approved by Governor July 11, 1972. Filed with Secretary of State July 11, 1972.]

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

SECTION 1. Section 15002.1 of the Education Code is amended to read:

15002.1. The governing board of a school district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 15452 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. The investigation shall include such geological and soil engineering studies by competent personnel as are needed to provide an assessment of the nature of the site and potential for earthquake damage.

The geological and soil engineering studies of the site shall be of such a nature as will preclude siting of a school in any location where the geological characteristics are such that the construction effort required to make the site safe for occupancy is economically unfeasible. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

No school building shall be constructed or situated on the trace of an active geological fault. For purposes of this section, an active geological fault is defined as one along which surface rupture can be reasonably expected to occur within the life of the building.

Similar geological and soil engineering investigations shall be made as deemed necessary by the Department of General Services for the construction of any school building as defined in Section 15452 or, if the estimated cost exceeds ten thousand dollars (\$10,000), the reconstruction or alteration of or addition to any such school building

for work which alters structural elements. No such study need be made if the site or sites under consideration have been the subject of adequate prior study.

A copy of the report of each investigation conducted pursuant to this section shall be submitted to the Department of General Services and the Department of Education pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of this division. The cost of geological and soil engineering studies and investigations conducted pursuant to this section may be treated as a capital expenditure.

CHAPTER 333

An act to amend Sections 11550, 12800, 12803, 12803.7, 12804, 12806, 12808, 12809, 12810, and 12855 of, to add Section 12803 to, and to repeal Section 12803 of, the Government Code and to amend Section 1589 of the Unemployment Insurance Code, relating to programs of the Human Relations Agency, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1972 Filed with
Secretary of State July 11, 1972]

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

SECTION 1. Section 11550 of the Government Code is amended to read:

11550. An annual salary of thirty-five thousand dollars (\$35,000) shall be paid to each of the following:

- (a) Director of Finance
- (b) Secretary of Business and Transportation Agency
- (c) Secretary of Resources Agency
- (d) Secretary of Health and Welfare Agency
- (e) Secretary of Agriculture and Services Agency.

SEC. 2. Section 12800 of the Government Code is amended to read:

12800. There are in the state government the following agencies: Agriculture and Services; Business and Transportation; Health and Welfare; and Resources.

SEC. 3. Section 12803 of the Government Code is amended to read:

12803. The Human Relations Agency is hereby renamed the Health and Welfare Agency. The Health and Welfare Agency consists of the following departments: Social Welfare; Mental Hygiene; Rehabilitation; Public Health; Human Resources Development; the Youth Authority; Corrections; Health Care Services; and Industrial Relations.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 4. Section 12803 is added to the Government Code, to read:

12803. The Human Relations Agency is hereby renamed the Health and Welfare Agency. The Health and Welfare Agency consists of the following departments: Social Welfare; Rehabilitation; Health; Human Resources Development; the Youth Authority; Corrections; and Industrial Relations.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 5. Section 12803.7 of the Government Code is amended to read:

12803.7. The Health and Welfare Agency shall be the single state agency authorized to receive any federal funds payable directly to the state to implement programs for the prevention, treatment and rehabilitation of chronic alcoholics. The designation of the Health and Welfare Agency as the single state agency shall not be construed as an impediment to local governments receiving federal funds directly in those instances where such funds are directly payable to local government.

SEC. 6. Section 12804 of the Government Code is amended to read:

12804. The Youth and Adult Corrections Agency is hereby renamed the Agriculture and Services Agency.

The Agriculture and Services Agency consists of the following: the Department of Agriculture; the Department of Commerce; the Department of General Services; the Department of Veterans Affairs; the Department of Consumer Affairs; the Department of Professional and Vocational Standards; the Franchise Tax Board; the Public Employees' Retirement System; the Office of Consumer Counsel; the State Fire Marshal; and the State Teachers' Retirement System.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Health and Welfare Agency.

SEC. 7. Section 12806 of the Government Code is amended to read:

12806. (a) The Health and Welfare Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Human Relations Agency in respect to the various agencies in the Human Relations Agency listed in Section 12803 on the effective date of the 1972 amendment of this section, with the exception of the Office of Atomic Energy Development and Radiation Protection, which, by Section 12803, is renamed the Office of Nuclear Energy and transferred to the Resources Agency and the California Commission on Aging (formerly the Citizens' Advisory Commission on Aging).

The Secretary of the Health and Welfare Agency succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and

jurisdiction vested in the Administrator of the Human Relations Agency in respect to the various agencies in the Human Relations Agency listed in Section 12803 on the effective date of the 1972 amendment of this section, with the exceptions of the Office of Atomic Energy Development and Radiation Protection and the California Commission on Aging.

(b) The Health and Welfare Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Youth and Adult Corrections Agency in respect to the various agencies in the Youth and Adult Corrections Agency listed in Section 12804 on the effective date of the 1972 amendment of this section, with the exception of the Board of Corrections.

The Secretary of the Health and Welfare Agency succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Administrator of the Youth and Adult Corrections Agency in respect to the various agencies in the Youth and Adult Corrections Agency listed in Section 12804 on the effective date of the 1972 amendment of this section, with the exception of the Board of Corrections.

(c) Any reference in any law to the Human Relations Agency or to the administrator of that agency with respect to any agency listed in Section 12803 on the effective date of the 1972 amendment of this section, except the Office of Atomic Energy Development and Radiation Protection or the California Commission on Aging, shall be considered a reference to the Health and Welfare Agency or to the Secretary of the Health and Welfare Agency, as the case may be, unless the context otherwise requires.

Any reference in any law to the Youth and Adult Corrections Agency or to the administrator of that agency with respect to any agency listed in Section 12804 on the effective date of the 1972 amendment of this section, except the Board of Corrections, shall be considered a reference to the Health and Welfare Agency or to the Secretary of the Health and Welfare Agency, as the case may be, unless the context otherwise requires.

SEC. 8. Section 12808 of the Government Code is amended to read:

12808. The Health and Welfare Agency and the Resources Agency may use the unexpended balances of funds available for use by the Human Relations Agency or the Youth and Adult Corrections Agency in connection with the functions of the Human Relations Agency and the Youth and Adult Corrections Agency that are transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12804, 12806, or 12807, as the case may be. Such funds shall be used by the Health and Welfare Agency and the Resources Agency only for the purposes for which they were originally appropriated or otherwise made available to the Human Relations Agency or the Youth and Adult Corrections Agency.

SEC. 9. Section 12809 of the Government Code is amended to read:

12809. All officers and employees of the Human Relations Agency and the Youth and Adult Corrections Agency who, on the effective date of the 1972 amendment of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12804, 12806, or 12807 shall be transferred to the Health and Welfare Agency or the Resources Agency, as the case may be. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Health and Welfare Agency or the Resources Agency pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Human Relations Agency or the Youth and Adult Corrections Agency.

SEC. 10. Section 12810 of the Government Code is amended to read:

12810. The Health and Welfare Agency and the Resources Agency shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Human Relations Agency or the Youth and Adult Corrections Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Human Relations Agency or the Youth and Adult Corrections Agency that are transferred to or vested in the Health and Welfare Agency or the Resources Agency by Section 12803, 12804, 12806, or 12807.

SEC. 11. Section 12855 of the Government Code is amended to read:

12855. For the purpose of this chapter, "agency" means the Agriculture and Services Agency, the Health and Welfare Agency, or the Resources Agency, and "secretary" means the secretary of any such agency. The general powers of the Business and Transportation Agency and its secretary are those specified in Part 4.5 (commencing with Section 13975) of Division 3 of Title 2 of this code.

SEC. 12. Section 1589 of the Unemployment Insurance Code is amended to read:

1589. In lieu of filing claims for refund and interest payable on refunds against each of the funds from which an amount has been determined to be due under this division, the director may file a single claim with the State Controller showing the amount payable from each fund for payment from the Contingent Fund, and the Controller shall thereupon draw his warrant on the Contingent Fund and transfer the amounts certified by the director to be due from the Clearing Account—Unemployment Fund, The Unemployment Compensation Disability Fund, and the Personal Income Tax Fund, to the Contingent Fund.

SEC. 13. Notwithstanding the language of Item 234 of the Budget Act of 1972, the amount appropriated therein shall be for the support of the Department of Human Resources Development; for transfer

by the State Controller to the Manpower Development Fund for expenditure for the work incentive program as specified in Section 5400 of the Unemployment Insurance Code (Chapter 1369, Statutes of 1968) provided, that the State Controller shall transfer these funds only at such time as federal funds from the United States Department of Labor (Title IV of the Social Security Act of 1935, as amended) are deposited in the Manpower Development Fund and no transfer so made shall exceed twenty-five (25) percent of the amount of federal funds so deposited; provided further, the amount available for transfer to the Manpower Development Fund shall be reduced by the amounts in cash or in kind available from other sources as the state's share of the work incentive program as determined by the State Department of Human Resources Development and certified to the State Controller.

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

Item 234 of the Budget Act of 1972 provided an appropriation for the usual current expenses of the work incentive program beginning July 1, 1972. The control language adopted in that item failed to make the appropriation available for the administration of such program as amended by federal legislation which will become effective July 1, 1972. In order for the appropriation in the Budget Act of 1972 to be available for the current expenses of the work incentive program as amended it is necessary that this act go into immediate effect.

SEC. 15. Whenever the term "Human Relations Agency" is used in any other law it shall be deemed to mean and refer to the Health and Welfare Agency.

SEC. 16. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 12803 of the Government Code, as amended by Section 3 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 12803 of the Government Code, as added by Section 4 of this act, shall become operative.

SEC. 17. This act shall become effective only if Assembly Bill No. 99 of the 1972 Regular Session is enacted and shall become operative upon the enactment of Assembly Bill No. 99 and upon its deposit with the Secretary of State.

CHAPTER 334

An act to amend Section 1009.5 of the Education Code, relating to school transportation.

[Approved by Governor July 11, 1972. Filed with Secretary of State July 11, 1972.]

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

SECTION 1. Section 1009.5 of the Education Code is amended to read:

1009.5. No governing board of a school district shall require any student or pupil to be transported for any purpose or for any reason without the written permission of the parent or guardian.

This section shall not apply to the transportation of a student or pupil in an emergency arising from illness or injury to the student or pupil.

CHAPTER 335

An act to add Section 222 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 11, 1972. Filed with Secretary of State July 11, 1972.]

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

SECTION 1. Section 222 is added to the Revenue and Taxation Code, to read:

222. Personal property used exclusively in the operation of a zoo or for purposes of horticultural display on publicly owned land which is owned by a nonprofit zoological society meeting all the requirements of Section 214 shall be exempt from taxation.

CHAPTER 336

An act to repeal Sections 54931.13, 54931.14, 54931.15, 54931.16, 54931.17, 54932, 54933.4, 54933.5, 54938, 54938.5, 54940, and 54941 of the Government Code, and to repeal Section 1 of Chapter 1485 of the Statutes of the 1971 Regular Session of the Legislature, relating to the late filing of documents and exemptions for purposes of property taxation.

[Approved by Governor July 11, 1972. Filed with
Secretary of State July 11, 1972.]

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

SECTION 1. Section 54931.13 of the Government Code, as added by Chapter 4 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 2. Section 54931.14 of the Government Code, as added by Chapter 28 of the Statutes of the 1971 Regular Session of the Legislature is repealed.

SEC. 3. Section 54931.15 of the Government Code, as added by Chapter 165 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 4. Section 54931.16 of the Government Code, as added by Chapter 165 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 5. Section 54931.17 of the Government Code, as added by Chapter 165 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 6. Section 54932 of the Government Code, as added by Chapter 26 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 7. Section 54933.4 of the Government Code, as added by Chapter 18 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 8. Section 54933.5 of the Government Code, as added by Chapter 459 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 9. Section 54938 of the Government Code, as added by Chapter 327 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 10. Section 54938.5 of the Government Code, as added by Chapter 326 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 11. Section 54940 of the Government Code, as added by Chapter 511 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 12. Section 54941 of the Government Code, as added by Chapter 459 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 13. Section 1 of Chapter 1485 of the Statutes of the 1971 Regular Session of the Legislature, is repealed.

SEC. 14. The repeals effected by this act shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists had such repeals not been effected.

CHAPTER 337

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

[Approved by Governor July 11, 1972 Filed with
Secretary of State July 11, 1972.]

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

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

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

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

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.

Community college districts.

Community facilities districts.

Community service districts.

Conservancy districts.

County boards of education.

County drainage districts.

County fire protection districts.

County flood control and water districts.

County maintenance districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries

of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

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

SEC. 10. This act may be cited as the Third Validating Act of 1972.

CHAPTER 338 *

An act to add Section 6934 to the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1972. Filed with
Secretary of State July 11, 1972.]

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

SECTION 1. Section 6934 is added to the Education Code, to read:
6934. County superintendent of schools, high school districts and unified school districts which do not have a sheltered workshop available to them within a reasonable commuting distance may sponsor or operate sheltered workshops or training centers for handicapped students and individuals eligible to attend high school or adult school, develop job-training situations based upon the capabilities of the individual by entering into contracts or subcontracts to produce goods for, and provide services for public and private agencies, private business and industry, and pay such students and individuals on a piece-rate basis from revenues derived from any source not otherwise prohibited by law, as regulated by state and federal wage and hour laws applicable to persons employed in a sheltered workshop.

CHAPTER 339

An act to add Section 5253 to the Education Code, relating to kindergarten and preschool programs.

[Approved by Governor July 11, 1972. Filed with
Secretary of State July 11, 1972.]

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

*Chapter 338 effective March 7, 1973. Urgency clause was amended out of bill March 16, 1972.

SECTION 1. Section 5253 is added to the Education Code, to read: 5253. A preschool educational program established by a school district or by a county superintendent of schools pursuant to Section 16643 may be combined in one class with a kindergarten in a school maintained by such district or within the jurisdiction of such county superintendent of schools, in any situation in which Section 5257 is applicable with respect to the duty to establish a kindergarten. The attendance of only those children enrolled in the kindergarten in such a class shall be counted as attendance upon a kindergarten.

CHAPTER 340

An act to amend Sections 56003.1, 56003.2, 56025, 56080, 56275, 56440, 56441, 56442, and 56443 of, and to add Section 56006.1 to, and to repeal Section 56072.1 of, the Government Code, relating to districts.

[Approved by Governor July 11, 1972. Filed with
Secretary of State July 11, 1972]

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

SECTION 1. Section 56003.1 of the Government Code, as amended by Chapter 176 of the Statutes of 1971, is amended to read: 56003.1. Except as provided in this section, this division shall have no application to the incorporation of cities, the annexation or detachment of territory to or from cities, minor changes of city boundaries or the consolidation or disincorporation of cities or to the formation of districts (except when any such formation is a part of a reorganization) or to proceedings for any of the foregoing. An annexation to a city or a detachment from a city which is proposed as a part of a plan of reorganization may be conducted in accordance with the procedures for reorganization set forth in this division unless the affected city objects thereto. The incorporation of a new city, which is proposed as a part of a plan of reorganization, may also be conducted in accordance with the procedures for reorganization set forth in this division unless the board of supervisors objects thereto. In any commission order giving approval to any of the matters provided for in subdivision (a) of Section 56250, the commission may make any such approval conditional upon:

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

(b) The approval or disapproval, with or without election, as may be provided by law, of any resolution or ordinance ordering the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the

disincorporation of any city or the formation of a district.

If a commission shall so condition its approval, the commission may order that any further action pursuant to this division shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon the question of confirming a change of organization or a reorganization pursuant to the provisions of this division shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or upon the formation of any district.

SEC. 1.5. Section 56003.2 of the Government Code is amended to read:

56003.2. If any fire protection district or fire district shall be organized under Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, the foregoing law shall provide an additional and alternative authority and procedure for the initiation, conduct and completion of detachments of territory from any such district or for the dissolution thereof or for the inclusion of a city or a portion thereof in a district. When a proceeding for a detachment or dissolution is made pursuant to the foregoing law, only the provisions of such law shall be applicable to the initiation, conduct and completion of such proceedings, and this division and the repeals, amendments and additions made by the act enacting this division shall not apply thereto.

SEC. 2. Section 56006.1 is added to the Government Code, to read:

56006.1. In this division, provisions governing the time within which an official, a governing board, or the commission is to act shall in all instances be deemed directory rather than mandatory.

SEC. 2.5. Section 56025 of the Government Code is amended to read:

56025. "Benefit district" means a district containing lands which are, or will be, benefited by their inclusion within such district, the owners of such lands being entitled, under the laws or Constitutions of the state or the United States, to notice by mail or personal service and hearing prior to the inclusion of such lands within the district.

SEC. 3. Section 56072.1 of the Government Code is repealed.

SEC. 3.5. Section 56080 of the Government Code, as amended by Chapter 1493 of the Statutes of 1971, is amended to read:

56080. Notice authorized or required to be given by publication, posting or mailing shall be given by the clerk or executive officer and shall contain all matters required by any particular provision of this division. If any ordinance, resolution or order of any legislative body or the commission gives notice and contains all matters required to be contained in any notice, the clerk or executive officer may cause

a copy of such ordinance, resolution or order to be published, posted or mailed, in which case no other notice need be given by the clerk or executive officer.

SEC. 4. Section 56275 of the Government Code is amended to read:

56275. Any legislative body conducting a proceeding for a change of organization or reorganization or any affected county, city, district, landowner, voter, taxpayer, inhabitant, consumer or other interested person desiring any addition, deletion, amendment or revision of any commission resolution making determinations or any term, condition or other provision contained therein, may, prior to the adoption of a resolution by the legislative body ordering or disapproving a change of organization or reorganization, file written application therefor with the executive officer who shall present the same to the commission at its next meeting. If a legislative body conducting a proceeding files such a written application with the commission, the time within which the legislative body is directed to act shall be tolled from the date upon which written application is made to the commission to the date upon which the legislative body receives notification of the commission's final action on the application. The commission, in its discretion, may either (i) without further notice and hearing, deny or approve such application, in whole or in part, or (ii) provide for notice and hearing upon said application, in the same manner as for the original proposal, prior to denying or approving the same.

SEC. 5. Section 56440 of the Government Code is amended to read:

56440. In any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall call and provide for an election to be held and conducted:

(a) Within the entire territory of each district ordered to be formed, dissolved or consolidated;

(b) Within the entire territory of each district and city, where such district has been ordered merged with or established as a subsidiary district of such city; and

(c) Within any territory ordered annexed to or detached from a district.

SEC. 6. Section 56441 of the Government Code is amended to read:

56441. Prior to adopting any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall determine whether any single subject district constitutes a major district, as defined in Section 56442. If it is determined that a major district exists, any resolution ordering a reorganization subject to confirmation of the voters shall designate the major district, either by name or boundary description, and all minor districts, either by name or boundary descriptions.

SEC. 7. Section 56442 of the Government Code is amended to read:

56442. A "major district" means any single subject district which has voting power greater than the combined voting power of all other subject districts. A "minor district" means any subject district which is not a major district. No "major district" shall be deemed to exist: (i) where the territory of a single subject district overlaps the entire territory covered by the proposed reorganization, or, (ii) where the reorganization, as defined in subdivision (b) of Section 56068 affects only a single subject district. The voting power of the respective subject districts shall be determined as follows:

(a) The total number of votes authorized to be cast within each subject district shall be determined for the entire territory of such district, including all overlapping territory.

(b) If the election is to be called and held within any territory ordered annexed to or detached from a subject district, the voting power of such district shall be determined with respect only to the territory ordered annexed or detached and not the entire territory of such district.

(c) If all of the subject districts are cities or resident-voter districts, the respective voting power thereof shall be the total number of registered voters within each such city or district at the close of registration, as provided in the Elections Code, next preceding the date of election fixed in the resolution ordering the reorganization, subject to confirmation of the voters.

(d) If all of the subject districts are landowner-voter districts, the respective voting power thereof shall be deemed to be the assessed value of land, as shown on the last equalized assessment roll of the county, within each such district.

(e) If the subject districts consist of any landowner-voter district and also any city or resident-voter district, the respective voting power thereof shall be computed and equated in the manner provided in Section 56118, except that computation may be made for such date, not earlier than 21 days before the close of registration, as provided in the Elections Code, next preceding the date of the election nor later than such close of registration, as the board of supervisors may specify.

SEC. 8. Section 56443 of the Government Code is amended to read:

56443. After the canvass of the returns of the special election upon the question of reorganization, the board of supervisors shall adopt a resolution either:

(a) Confirming the order of reorganization,

(1) Where there was no major district and such question was favored by a majority of the votes cast thereon within the entire territory within which said election was held, or

(2) Where there was a major district and such question was favored (i) by a majority of the votes cast thereon within the major district and (ii) by a majority of the combined votes cast thereon within all of the minor districts; or

(b) Determining the order of reorganization defeated by failure to receive the required vote.

CHAPTER 341

An act to amend Section 175 and to repeal Sections 174 and 266c of the Penal Code, relating to oriental exclusion laws.

[Approved by Governor July 12, 1972. Filed with Secretary of State July 12, 1972.]

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

SECTION 1. Section 174 of the Penal Code is repealed.

SEC. 2. Section 175 of the Penal Code is amended to read:

175. Every individual person of the classes referred to in Section 173, brought to or landed within this state contrary to the provisions of such section, renders the person bringing or landing liable to a separate prosecution and penalty.

SEC. 3. Section 266c of the Penal Code is repealed.

 CHAPTER 342

An act to add Title 7.3 (commencing with Section 66700) to the Government Code, to repeal and add Sections 66713, 66740, and 66750 of the Government Code, as proposed by this act, and to add Chapter 5 (commencing with Section 4500) to Part 2, Division 5 of the Health and Safety Code, relating to waste, and making an appropriation therefor.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Title 7.3 (commencing with Section 66700) is added to the Government Code, to read:

TITLE 7.3. SOLID WASTE MANAGEMENT
AND RESOURCE RECOVERY

CHAPTER 1. GENERAL PROVISIONS

Article 1. Findings and Declarations

66700. This title shall be known and cited as the Nejedly-Z'berg-Dills Solid Waste Management and Resource Recovery Act of 1972.

66701. The Legislature finds and declares as follows:

(a) The increasing volume and variety of solid wastes being generated throughout the state, coupled with the often inadequate existing methods of managing such wastes, are creating conditions which threaten the public health, safety, and well-being by contributing to air, water, and land pollution, to the production of flies, rodents, and litter, to the waste of dwindling natural resources, and to the general deterioration of the environment.

(b) The foregoing situation arises from the interaction of a number of factors, including rapid population increase, decentralized urban growth, industrial expansion, agricultural changes, transportation improvements, and technological developments in the manufacturing, packaging, and marketing of consumer products, which collectively are placing planning, economic, and resource base limitations upon the availability of land for solid waste disposal.

(c) The traditional methods of solid waste management in this state directed largely to land disposal may not meet future requirements for eliminating environmental pollution and conserving natural resources.

(d) Methods of solid waste management emphasizing source reduction, recovery, conversion, and recycling of all solid wastes are essential to the long-range preservation of the health, safety, and well-being of the public, to the economic productivity and environmental quality of the state, and to the conservation of the state's remaining natural resources.

66702. The Legislature therefore declares that it is in the public interest to establish and maintain a comprehensive state solid waste management and resource recovery policy, the objective of which will be to manage solid wastes in this state so as to protect the public health, safety, and well-being, to preserve the environment, and to provide for the maximum reutilization and conversion to other uses of the resources contained therein.

Article 2. Definitions

66710. Unless the context otherwise requires, the definitions in this article govern the construction of this title.

66711. "Board" means the State Solid Waste Management Board.

66712. "Council" means the State Solid Waste Management and Resource Recovery Advisory Council.

66713. "Department" means the State Department of Public Health.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

66714. "Disposal facility" or "facility" means any facility or location where disposal of solid waste occurs.

66715. "Person" also includes any city, county, district, the state or any agency or department thereof, and the United States to the

extent authorized by federal law or regulation.

66716. "Processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.

66717. "Regional planning agency" means any of the following:

(1) An agency organized pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1.

(2) A regional planning district formed pursuant to Chapter 2 (commencing with Section 65060) of Title 7.

(3) An area planning commission formed pursuant to Article 11 (commencing with Section 65600) of Chapter 3 of Title 7.

(4) A planning district formed pursuant to Chapter 5 (commencing with Section 66100) of Title 7.

(5) Any agency established by legislative act and recognized by resolution of the Council on Intergovernmental Relations as performing general environmental and resources planning with any region of the state.

66718. "Resource recovery program" means the State Solid Waste Resource Recovery Program.

66719. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

66720. "Solid waste disposal" or "disposal" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

66721. "Solid waste handling" or "handling" means the collection, transportation, storage, transfer, or processing of solid wastes.

66722. "State policy" means the state policy for solid waste management adopted pursuant to Section 66770.

Article 3. Policy

66730. It is the intent of the Legislature that the primary responsibility for adequate solid waste management and planning shall rest with local government, with the state bearing primary responsibility for the development and maintenance of the state policy for solid waste management and the State Solid Waste Resource Recovery Program. Such local solid waste management and planning shall conform to the approved solid waste management plan prepared pursuant to Section 66780.

66731. State solid waste management and resource recovery policy shall consist of the policies, plans, and programs established pursuant to Chapter 2 (commencing with Section 66770) of this title.

66732. No provision of this title or any ruling made pursuant thereto is a limitation on any of the following:

(a) The power of a city, county, city and county, or district to

adopt and enforce regulations, not in conflict therewith, imposing conditions, restrictions, or limitations with respect to the handling or disposal of solid wastes.

(b) The power of any city, county, city and county, or district to declare, prohibit, and abate nuisances.

(c) The power of the Attorney General, on the request of the board, the department, the State Water Resources Control Board, a California regional water quality control board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any health hazard, pollution, or nuisance.

(d) The power of any state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer, including the exercise by the State Water Resources Control Board or the California regional water quality control boards of any of their powers and duties pursuant to Division 7 (commencing with Section 13000) of the Water Code.

(e) The right of any person to commence and maintain at any time any appropriate action for relief against a nuisance as defined in the Civil Code.

(f) The right of any person to dispose of inert, nontoxic and inorganic solid waste as land fill on his own property.

(g) The right of any person to dispose of organic and toxic waste materials on his own property in evaporation ponds from which there is no drainage or seepage.

(h) The right to operate a disposal site found by the State Water Resources Control Board to be adequately regulated by another governmental agency under subdivision (b) of Section 14020 of the Water Code.

Article 4. State Solid Waste Management Board

66740. There is in the Resources Agency the State Solid Waste Management Board.

The board shall consist of the following members:

(a) One member appointed by the Governor who is at the time of his appointment a city councilman from a city having a population of more than 250,000 persons as determined by the 1970 federal census.

(b) One member appointed by the Governor who is at the time of his appointment a county supervisor from a county having a population of more than 500,000 persons as determined by the 1970 federal census.

(c) One representative of the public appointed by the Governor, who shall have specialized education and experience in environmental quality and pollution control.

(d) One representative of the public appointed by the Speaker of the Assembly, who shall have specialized education and experience in natural resources conservation and resources recovery.

(e) One representative of the public appointed by the Senate Committee on Rules, who shall be a registered civil engineer under the laws of this state.

(f) One member appointed by the Governor from the private sector of the solid waste management industry from southern California.

(g) One member appointed by the Governor from the private sector of the solid waste management industry from northern California.

(h) The State Director of Public Health or his deputy who shall be a nonvoting ex officio member.

(i) The State Director of Agriculture or his deputy who shall be a nonvoting ex officio member.

(j) The Chief of the Division of Mines and Geology of the Department of Conservation or his deputy who shall be a nonvoting ex officio member.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

66741. The terms of the voting members shall be four years, commencing on May 1, 1973, except that the members first appointed to the board shall classify themselves by lot so that the term of two members shall expire May 1, 1975, the term of two members shall expire May 1, 1976, and the term of three members shall expire May 1, 1977.

66742. The appointments of members to the board made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

66743. The board shall hold meetings at least monthly at such times and at such places as shall be determined by it. The Governor shall designate the time and place for the first meeting of the board, but in no event shall it be scheduled for a date later than May 15, 1973. Four members of the board shall constitute a quorum for the purpose of transacting any business of the board.

66744. The board shall annually elect a chairman and vice chairman from the membership of the board.

66745. Each member of the board shall receive the necessary traveling and other expenses incurred by him in the performance of his official duties out of appropriations made for the support of the board. In addition, each voting member shall receive one hundred dollars (\$100) for each day attending meetings of the board. When necessary the members of the board may travel within or without the state.

66746. The board shall appoint a chief executive officer who shall administer the functions of the board.

66747. The board may appoint such legal counsel, clerical and secretarial employees, technical personnel, and other staff, and acquire such facilities, as may be necessary, for the performance of

its functions. The staff of the board shall be subject to the relevant system and procedures of the state civil service. The provisions of the State Civil Service Act contained in Part 2 (commencing with Section 18500) of Division 5 of Title 2 shall apply to such personnel.

66748. The Attorney General shall represent the board and the state in litigation concerning affairs of the board unless the Attorney General chooses to represent another state agency which is a party to the action. In such case the legal counsel of the board shall represent the board. Sections 11041, 11042, and 11043 of the Government Code are not applicable to the board.

66749. (a) No member of the board shall participate in any board action which involves himself or any solid waste handler with which he is connected as a director, officer or employee, or in which he has a direct personal financial interest within the meaning of Section 1120 of the Government Code.

(b) No board member shall participate in any proceeding before any agency as a consultant or in any other capacity on behalf of any solid waste handler.

(c) Upon request of any person or on his own initiative the Attorney General may file a complaint in the superior court for the county in which the board has its principal office alleging that a board member has knowingly violated this section and the facts upon which the allegation is based and asking that the member be removed from office. Further proceedings shall be in accordance as near as may be with rules governing civil actions. If after trial the court finds that the board member has knowingly violated this section it shall pronounce judgment that the member be removed from office.

Article 5. State Solid Waste Management and Resource Recovery Advisory Council

66750. (a) There is in the board the State Solid Waste Management and Resource Recovery Advisory Council. The council shall consist of the following 25 members appointed by the Governor and confirmed by the Senate:

- (1) Two representatives of private solid waste handlers.
- (2) Two representatives of public solid waste handlers.
- (3) Two representatives of private solid waste disposal facility operators.
- (4) Two representatives of public solid waste disposal facility operators.
- (5) Six representatives of major private solid waste producing industries, including the glass, can, paper, and chemical industries.
- (6) One local public health officer.
- (7) Three representatives of the agriculture and timber industries.
- (8) Two representatives of well-established citizen-action solid waste resource recovery programs.

- (9) One county supervisor.
- (10) One city councilman.
- (11) Three representatives of the public at large, each of whom possesses special knowledge or experience in solid waste management and resource recovery, the conservation of natural resources, or environmental pollution.

(b) The chief executive officer of the board, the State Director of Public Health, the State Director of Agriculture, and the Chief of the Division of Mines and Geology of the Department of Conservation shall serve as ex officio, nonvoting members.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

66751. The council shall be responsible for all of the following:

(a) Initial preparation and recommendation to the board, by July 1, 1974, of the State Solid Waste Resource Recovery Program.

(b) Providing advice and assistance to the board in the development of the State Policy for Solid Waste Management.

(c) Reviewing and recommending to the board revisions in the resource recovery program and in state policy after adoption.

(d) Making recommendations to the board concerning each local solid waste management plan submitted to the board for approval pursuant to Section 66780.

(e) Providing advice and assistance to citizen-action groups, solid waste producing industries, and public and private solid waste collection and disposal organizations on the development and implementation of solid waste recycling and resource recovery programs.

(f) Providing advice and assistance to the board in connection with the study by the board of the nature, extent, and methods of reducing and controlling the litter problem statewide.

66752. Members of the council shall serve without compensation, but shall be entitled to per diem and reimbursement for travel expenses incurred as the result of official council business. A chairman and vice chairman shall be elected annually from among the members. Professional and clerical staff for the council shall be provided by the board.

66753. The existence of the council shall terminate on July 1, 1976.

CHAPTER 2. SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY POLICY

Article 1. State Policy for Solid Waste Management

66770. The board, not later than January 1, 1975, shall formulate and adopt state policy for solid waste management, including minimum standards for solid waste handling and disposal for the protection of air, water, and land from pollution, in accordance with the provisions of this article. The board in adopting state policy shall consider the recommendations of the council. The board shall also

consider any recommendations of the State Air Resources Board for the prevention of air pollution and any recommendations of the State Water Resources Control Board for the prevention of water pollution. State policy adopted by the board shall include the minimum standards for the protection of the public health submitted to the board pursuant to Section 4520 of the Health and Safety Code.

66771. Standards included in the state policy for solid waste management may include the location, design, operation, maintenance, and ultimate reuse of solid waste processing or disposal facilities, but shall not include aspects of solid waste handling or disposal which are solely of local concern and not determined by the board to be of statewide concern, such as, but not limited to, frequency of collections, means of collection and transportation, level of service, charges and fees, designation of territory served through franchises, contracts or governmental employees, and purely aesthetic considerations.

66772. State policy for solid waste management shall be periodically reviewed by the board and may be revised when appropriate.

66773. During the process of formulating or revising state policy for solid waste management, the board shall consult with and carefully evaluate the recommendations of the Conference of Local Health Officers and other concerned federal, state, and local agencies.

66774. Prior to the adoption of state policy for solid waste management, the board shall hold a public hearing respecting the adoption of such policy. At least 90 days in advance of such hearing the board shall give notice of such hearing by publication pursuant to Section 6061.

Article 2. Solid Waste Management Plans

66780. Each county, in cooperation with affected local jurisdictions, shall prepare, subject to the approval of the plan by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county, a comprehensive, coordinated solid waste management plan, consistent with state policy and any appropriate regional or subregional solid waste management plan, for all waste disposal within the county and for all waste originating therein which is to be disposed of outside such county. Each solid waste management plan shall be submitted for review and comments to the regional planning agency for the region recognized by the council on intergovernmental relations prior to submission to the board. Any county, with the agreement of a majority of the cities within the county which contain a majority of the population of the incorporated area of the county, may transfer the responsibility for the preparation of such solid waste management plan to the regional planning agency for the region recognized by the Council on

Intergovernmental Relations. Each plan shall be submitted to the board for approval as to its compliance with state policy by January 1, 1976. Each such plan shall include an analysis of the economic feasibility of the plan. Where appropriate such plans may include elements providing for subregional solid waste management covering more than one county or parts thereof. Such plans shall not supersede plans of any local jurisdiction unless there is agreement by all parties concerned.

66781. State offices, departments, and boards in carrying out activities involving solid waste disposal shall comply with solid waste management plans approved by the state board unless otherwise directed or authorized by statute, in which case they shall indicate to the board in writing their authority for not complying with such plans.

66782. To the extent of its authority, the board shall not approve any request for state or federal financial assistance for any solid waste management project not in conformance with the plan approved by the board.

66783. The board shall prepare guidelines for solid waste management plans and shall provide technical assistance in the preparation, revision and implementation of solid waste management plans.

Article 3. State Solid Waste Resource Recovery Program

66785. The board shall adopt by January 1, 1975, after review, notice, public hearings, and modification by the board as necessary, the State Solid Waste Resource Recovery Program which shall be submitted to the board by the council on July 1, 1974. The program shall include, but is not limited to, the following elements:

(a) Guidelines, criteria, procedures, and financial participation formulas for the initiation and maintenance of a major state-directed research and development program, jointly with public and private entities and individuals, to develop technologically and economically feasible systems for the collection, reduction, separation, recovery, conversion, and recycling of all solid wastes, and the environmentally safe disposal of nonusable residues. Such research and development program shall be so structured as to ensure maximum entitlement by the state and its contractees of all matching moneys available from any federal, state or private source, and the program may include among its basic objectives pure research, or the design, construction, and testing of pilot equipment and systems for the processing of solid wastes.

(b) Special studies and demonstration projects on the recovery of useful energy and resources from solid wastes, including but not limited to, the following:

(1) Methods of recovering resources and energy from solid wastes, recommended uses of such resources and energy for the

local, state, national, or international welfare, including identification of potential markets for such recovered resources, and the impact of the distribution of such resources on existing markets.

(2) Changes in current product characteristics, and production and packaging practices, which would reduce the amount of solid waste generated at its source.

(3) Methods of collection, reduction, separation, and containerization which will encourage the more efficient utilization of facilities, and contribute to more effective programs for the reuse of solid wastes.

(4) The use of state procurement to develop market demand for recovered resources, with special emphasis on maximum possible state use of recycled paper.

(5) Recommended incentives, including state grants, loans, and other assistance, and disincentives, to public agencies and private organizations and individuals, necessary to accelerate the reclamation and recycling of resources from solid wastes.

(6) The effects of existing public policies, including subsidies and economic incentives and disincentives, percentage depletion allowances, capital gains treatment, and other tax incentives and disincentives, upon the recycling and reuse of solid wastes, and the likely effects of the modification or elimination of such incentives and disincentives upon the reuse, recycling, and conservation of such resources.

(7) The advantages and disadvantages, and methods of imposing, disposal taxes on packaging, containers, vehicles, and other manufactured goods, which charges would reflect the cost of final disposal, the value of recoverable components of the item, and any social costs associated with the nonrecycling or uncontrolled disposal of such items.

(c) State pilot resources recovery projects, at the state institution or institutions where such projects are deemed most feasible. Each project shall be designed to provide for the maximum possible reuse and recycling of the solid wastes generated by the institution. Based upon the data developed during the projects, this element of the resource recovery program may be expanded or discontinued by the board.

Article 4. Other Powers and Duties

66790. In addition to all other powers and duties under this chapter, the board shall:

(a) Conduct studies and investigations regarding new or improved methods of solid waste handling, disposal or reclamation and review and coordinate solid waste management studies by other state agencies.

(b) Prepare and implement a statewide solid waste management information storage and retrieval system coordinated with other state information systems.

(c) Implement a public information program to provide information to local government, private industry, and general maximum environmental protection, and effective reuse of waste products.

(d) Render technical assistance to state and local agencies, local health officers, and others in the planning and operation of solid waste programs.

(e) Study with the advice and assistance of the council the nature, extent, and methods of reducing and controlling the litter problem statewide, and report its conclusions and recommendations, including but not limited to methods of improving public education and incentives not to litter, necessary additional legislation, and improved methods of implementing existing litter laws, to the Governor and Legislature not later than January 1, 1975.

66791. The Legislature finds that local agencies, in order to effectively plan and purchase solid waste disposal facilities on a long-range basis, need financial assistance. The board shall study alternative methods of providing financial assistance to local agencies for such purposes, including, but not limited to, revenue bond financing, with the objective of developing self-supporting programs. The board shall report its findings and recommendations on such subject to the Legislature not later than July 1, 1974.

66792. The board shall file an annual report with the Legislature not later than the fifth calendar day of each regular session of the Legislature, stating the progress achieved under the programs established pursuant to this chapter and containing recommended additional administrative and legislative actions necessary to implement the policies and programs established by this chapter. The report submitted to the 1974 Regular Session shall include information on the financial impact of the state policy proposed to be adopted pursuant to Section 66770.

66793. The board is designated as the state solid waste management agency for all purposes stated in the Federal Resource Recovery Act of 1970 and any other federal act heretofore or hereafter enacted.

SEC. 2. Section 66713 is added to the Government Code, to read:

66713. "Department" means the State Department of Health.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. Section 66740 is added to the Government Code, to read:

66740. There is in the Resources Agency the State Solid Waste Management Board.

The board shall consist of the following members:

(a) One member appointed by the Governor who is at the time of his appointment a city councilman from a city having a population of more than 250,000 persons as determined by the 1970 federal census.

(b) One member appointed by the Governor who is at the time of his appointment a county supervisor from a county having a

population of more than 500,000 persons as determined by the 1970 federal census.

(c) One representative of the public appointed by the Governor, who shall have specialized education and experience in environmental quality and pollution control.

(d) One representative of the public appointed by the Speaker of the Assembly, who shall be a registered civil engineer under the laws of this state and have specialized education and experience in natural resources conservation and resources recovery.

(e) One representative of the public appointed by the Senate Committee on Rules, who shall be a registered civil engineer under the laws of this state and have specialized education and experience in natural resources conservation and resources recovery.

(f) One member appointed by the Governor from the private sector of the solid waste management industry from southern California.

(g) One member appointed by the Governor from the private sector of the solid waste management industry from northern California.

(h) The State Director of Health or his deputy who shall be a nonvoting ex officio member.

(i) The State Director of Agriculture or his deputy who shall be a nonvoting ex officio member.

(j) The Chief of the Division of Mines and Geology of the Department of Conservation or his deputy who shall be a nonvoting ex officio member.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 4. Section 66750 is added to the Government Code, to read: 66750. (a) There is in the board the State Solid Waste Management and Resource Recovery Advisory Council. The council shall consist of the following 25 members appointed by the Governor and confirmed by the Senate:

(1) Two representatives of private solid waste handlers.

(2) Two representatives of public solid waste handlers.

(3) Two representatives of private solid waste disposal facility operators.

(4) Two representatives of public solid waste disposal facility operators.

(5) Six representatives of major private solid waste producing industries, including the glass, can, paper, and chemical industries.

(6) One local public health officer.

(7) Three representatives of the agriculture and timber industries.

(8) Two representatives of well-established citizen action solid waste resource recovery programs.

(9) One county supervisor.

(10) One city councilman.

(11) Three representatives of the public at large, each of whom

possesses special knowledge or experience in solid waste management and resource recovery, the conservation of natural resources, or environmental pollution.

(b) The chief executive officer of the board, the State Director of Health, the State Director of Agriculture, and the Chief of the Division of Mines and Geology of the Department of Conservation shall serve as ex officio, nonvoting members.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 5. Chapter 5 (commencing with Section 4500) is added to Part 2 of Division 5 of the Health and Safety Code, to read:

CHAPTER 5. SOLID WASTE HANDLING AND DISPOSAL

Article 1. Definitions

4500. Unless the context otherwise requires, the definitions in Article 2 (commencing with Section 66710) of Chapter 1 of Title 7.3 of the Government Code govern the construction of this chapter.

Article 2. General Powers and Duties

4510. The department insofar as presently or hereafter provided by law, shall continue to be responsible for all aspects of solid waste management and resource recovery as they directly affect human health, including, but not limited to, the contamination of air, water, and land, propagation of vertebrates and invertebrates which may transmit disease to man, handling and disposal of hazardous wastes, and management practices which threaten the health of solid waste employees or the general public.

4511. The department shall continue to administer and enforce such laws, other than matters covered by Title 7.3 (commencing with Section 66700) of the Government Code, which are within its jurisdiction as they apply directly to solid wastes. The department also, as it relates directly to human health, shall:

(a) Evaluate and study, as appropriate, the characteristics of solid wastes and methods for their handling and disposal for health protection.

(b) Render technical assistance to the board, local agencies, and others in the planning and operation of solid waste management programs and resources recovery programs.

(c) Formulate technical criteria and suggested guidelines for use by state and local agencies in development, planning, implementation, and operation of programs for the local handling of solid waste.

(d) Stimulate and participate in research and development projects conducted by other public or private agencies, especially those intended to reduce, effectively reuse, or decontaminate waste products.

Article 3. Standards

4520. The department, not later than January 1, 1975, shall prepare and shall submit minimum standards for solid waste handling and disposal for the protection of the public health to the board for inclusion in the state policy for solid waste management required to be adopted pursuant to Section 66770 of the Government Code. The department may adopt varying standards for different areas of the state depending on population density, climate, geology, and other factors relevant to solid waste handling and disposal, and may revise such standards when appropriate.

SEC. 6. It is the intent of the Legislature that if Reorganization Plan No. 1 of 1970 becomes operative, Sections 66713, 66740, and 66750 of the Government Code, as added by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Sections 66713, 66740, and 66750 of the Government Code, as added by Sections 2, 3, and 4 respectively, of this act, which include the changes made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

SEC. 7. The sum of two hundred twenty-eight thousand dollars (\$228,000) is hereby appropriated from the General Fund in the State Treasury to the State Solid Waste Management Board for expenditure for the purposes of this act.

CHAPTER 343

An act to amend Sections 24297, 24365.6, and 39476 of the Health and Safety Code, relating to air pollution.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 24297 of the Health and Safety Code is amended to read:

24297. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the

terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 2. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 3. Section 39476 of the Health and Safety Code is amended to read:

39476. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the regional district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

The hearing board may require as a condition of granting a

variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

CHAPTER 344

An act to amend Section 2821 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 2821 of the Revenue and Taxation Code is amended to read:

2821. Any person filing an affidavit of interest may apply to the tax collector to have any parcel separately valued on the current roll for the purpose of paying taxes. A county may, upon approval of the board of supervisors, require that the applicant notify the property owner.

The application shall be made during the current fiscal year, and shall set forth the fact that a duly executed and recorded deed, purchase contract, deed of trust, mortgage, or final decree of court describes the parcel sought to be separately valued. A county may, upon approval of the board of supervisors, prohibit such applications during the 10-day period preceding each tax installment delinquent date and during the 10-day period prior to June 30th of each year.

The application may request that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests on the whole assessment be allowed to remain as a lien on the parcel sought to be separately valued.

If any lien not determined by the application of a tax rate on a valuation of property has been levied or placed on the whole assessment, the application may be accompanied by the certification

of the taxing agency or revenue district authorized by law to levy or place the lien, setting forth the specific amount of that portion of the lien levied or placed on the whole assessment which is to continue to be levied or placed on the parcel sought to be separately valued.

The board of supervisors may provide that a parcel with a lien against it and other property, pursuant to the Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code, or the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code, will not be separately valued unless a request has been made to the agency levying the bond lien for a division of land and bond. A copy of the requested division of land and bond shall accompany the request for separate property tax valuation.

Any separations of property pursuant to this section are for valuing property for tax purposes only, and are not intended to create a legal building site or to supersede requirements pursuant to zoning, building, lot split or subdivision ordinances.

The tax collector shall notify the planning commission of the jurisdiction in which the property is situated of all applications for separate valuation.

SEC. 2. It is the intent of this Legislature that an application for separate valuation, regardless of whether it is or is not approved, does not create a legal building site.

CHAPTER 345

An act to amend Section 4217 of the Revenue and Taxation Code, relating to delinquent taxes.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972]

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

SECTION 1. Section 4217 of the Revenue and Taxation Code is amended to read:

4217. Any person may elect to pay delinquent taxes in installments under this article at any time prior to 5 p.m. on June 30th of the fifth year after the property was sold to the state and prior to the deeding to the state, except that if payment of delinquent taxes in installments is started under this article and the amount required to be paid in any fiscal year is not paid as required by this article, payments may not again be started under this article until July 1st of the second succeeding fiscal year after that in which such default occurs.

SEC. 2. It is the intent of the Legislature that if June 30 falls on a nonbusiness day, the time to elect to pay delinquent taxes in installments does not extend to the next business day.

CHAPTER 346

An act to amend Sections 945 and 1016 of, and to add Section 1016.6 to, the Education Code, relating to legal counsel for school districts.

[Approved by Governor July 13, 1972 Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 945 of the Education Code is amended to read:

945. Anything in a city, county, or city and county charter to the contrary notwithstanding, the governing board or boards of any school district may appoint an administrative adviser and fix and order paid his compensation. The duties of the administrative adviser are to render administrative advice to the superintendent of schools and to other officers and employees of the school district such other administrative duties as may be assigned by the superintendent of schools and the governing board of the district, and to assist the legal counsel of the district in the preparation and conduct of school district litigation. The employee shall have been admitted to practice law in the state, and shall not be required to have any certification qualifications. The employee shall be employed under the same conditions for employment as set forth in Sections 13304 and 13306.

SEC. 2. Section 1016 of the Education Code is amended to read:

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

SEC. 3. Section 1016.6 is added to the Education Code, to read:

1016.6. Notwithstanding any provisions of law to the contrary, as an alternative to contracting with private counsel or for the use of an administrative adviser, the governing board of any school district, including the governing board of a junior college district, may elect to supplement the legal services that customarily are being rendered by the office of county counsel or district attorney by contracting with either the office of county counsel or office of district attorney, or both, for additional services. Such additional services shall be performed at a fee and in a manner agreed upon by the governing

board and the office of county counsel or office of district attorney, or both.

CHAPTER 347

An act to amend Section 11003.4 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 11003.4 of the Revenue and Taxation Code is amended to read:

11003.4. As soon as the report is returned to the auditor he shall distribute the amounts received by him under Section 11003.3 in the following manner:

(a) If the trailer coaches have situs in a city and any school districts, the proceeds shall be distributed one-third to the city, one-third to the school districts, and one-third to the county.

(b) If the trailer coaches have situs outside the city, but in any school districts, the proceeds shall be distributed one-half to the school districts and one-half to the county.

(c) If the trailer coaches have situs in an elementary school district, a high school district and a community college district, the proceeds allotted to the school districts shall be allocated 10 percent to the community college district and the balance shall be divided equally between the elementary school district and the high school district.

(d) If the trailer coaches have situs in a unified school district and a community college district the proceeds allotted to the school districts shall be divided 10 percent to the community college district and the balance to the unified school district.

The details of the method of distribution shall be supplied by the county auditor, shall be approved by the board of supervisors, and shall fairly carry out the purposes of this section.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 348

An act to amend Section 65302 of the Government Code, relating to planning.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 65302 of the Government Code, as amended by Section 1.5 of Chapter 1803 of the Statutes of the 1971 Regular Session, is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land-use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land-use element of the plan.

(c) A housing element, to be developed pursuant to regulations established under Section 37041 of the Health and Safety Code, consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

- (1) The reclamation of land and waters.
- (2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(7) The location, quantity and quality of the rock, sand and gravel resources.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) A seismic safety element consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking, to ground failures, or to effects of seismically induced waves such as tsunamis and seiches.

The seismic safety element shall also include an appraisal of mudslides, landslides, and slope stability as necessary geologic hazards that must be considered simultaneously with other hazards such as possible surface ruptures from faulting, ground shaking, ground failure and seismically induced waves.

(g) A noise element in quantitative, numerical terms, showing contours of present and projected noise levels associated with all existing and proposed major transportation elements. These include but are not limited to the following:

(1) Highways and freeways,

(2) Ground rapid transit systems,

(3) Ground facilities associated with all airports operating under a permit from the State Department of Aeronautics.

These noise contours may be expressed in any standard acoustical scale which includes both the magnitude of noise and frequency of its occurrence. The recommended scale is sound level A, as measured with A-weighting network of a standard sound level meter, with corrections added for the time duration per event and the total number of events per 24-hour period.

Noise contours shall be shown in minimum increments of five decibels and shall be continued down to 65 db(A). For regions involving hospitals, rest homes, long-term medical or mental care, or outdoor recreational areas, the contours shall to be continued down to 45 db(A).

Conclusions regarding appropriate site or route selection alternatives or noise impact upon compatible land uses shall be included in the general plan.

The state, local, or private agency responsible for the construction or maintenance of such transportation facilities shall provide to the local agency producing the general plan, a statement of the present and projected noise levels of the facility, and any information which was used in the development of such levels.

(h) A scenic highway element for the development, establishment, and protection of scenic highways pursuant to the

provisions of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

The requirements of this section shall apply to charter cities.

CHAPTER 349

An act to repeal and add Section 27551 to the Agricultural Code, relating to eggs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 27551 of the Agricultural Code is repealed.

SEC. 2. Section 27551 is added to the Agricultural Code, to read:

27551. Each egg dealer shall pay to the director a maximum fee of one mill (\$.001) for each dozen of eggs sold to retailers or consumers, including any eggs sold to the state, city, county, or any agency thereof, and for any eggs sold to the federal government or its agencies which are not accompanied by a federal certificate of grade.

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

In order to equitably distribute the inspection program burdens before the operative date of July 1, 1972, of the existing assessment fees provisions, it is necessary that this act go into immediate effect.

CHAPTER 350

An act to amend Section 54902.5 of the Government Code, relating to district boundaries.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 54902.5 of the Government Code is amended to read:

54902.5. Notwithstanding the provisions of Section 6103, the State Board of Equalization shall establish a schedule of fees for filing and processing the statements and maps or plats which are required to be filed with the State Board of Equalization pursuant to Section

54902. Such schedule shall not include any fee which exceeds the reasonably anticipated cost to the State Board of Equalization of performing the work to which the fee relates. The city or district forwarding the statement to the tax or assessment levying authority for filing pursuant to Section 54900 shall accompany the statement with the necessary fee for transmittal to the board.

CHAPTER 351

An act to amend Section 1325 of, to add Section 1325.5 to, and to repeal Sections 1325.5 and 1330 of, the Streets and Highways Code, relating to county bridges.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 1325 of the Streets and Highways Code is amended to read:

1325. Except as provided in Sections 1328 to 1332, inclusive, whenever the cost of construction or repair of any bridge will exceed the sum of two thousand dollars (\$2,000), such construction or repair shall be done by contract.

SEC. 2. Section 1325.5 of the Streets and Highways Code is repealed.

SEC. 3. Section 1325.5 is added to the Streets and Highways Code, to read:

1325.5. Whenever the board of supervisors finds that the estimated expense of any work to be done on any county bridge is ten thousand dollars (\$10,000) or less, the board or the purchasing agent may let a contract covering both work and material, or purchase the materials and let a contract for doing the work, without calling for bids.

SEC. 4. Section 1330 of the Streets and Highways Code is repealed.

CHAPTER 352

An act to add Sections 6520.7 and 6520.9 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 6520.7 is added to the Health and Safety Code, to read:

6520.7. It may sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other byproduct resulting from the operation of a sewerage system, sewage disposal plant, refuse disposal plant or process, or treatment plant, and construct, maintain, and operate such pipelines and other works as may be necessary for that purpose.

The addition of this section made at the 1972 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

SEC. 2. Section 6520.9 is added to the Health and Safety Code, to read:

6520.9. It may construct, maintain, and operate such pipelines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of the sewerage system, plant, or works, by sale or disposition for agricultural or industrial purposes, or by discharging or spreading the water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

The addition of this section made at the 1972 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 353

An act to amend Sections 1734 and 1735 of the Insurance Code, relating to insurance.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 1734 of the Insurance Code is amended to read:

1734. This section applies to any person licensed, whether under a permanent license, restricted license, temporary license, or certificate of convenience, to act in any of the capacities specified in Section 1733. If fiduciary funds, as defined in Section 1733 and held

for one or more principals, are maintained in accordance with subsection (b) hereof, such funds for other principals may be held and remitted in accordance with subsection (a) hereof. Otherwise each such person who does not make immediate remittance of all funds received as premium to the insurer entitled thereto must elect and follow with respect to such funds, one of the following methods:

(a) Remit premiums, less commissions, and return premiums received or held by him to the insurer or the person entitled thereto within fifteen (15) days after the receipt thereof; or

(b) Maintain such fiduciary funds at all times in a trustee bank account or depository separate from any other account or depository, in an amount at least equal to the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons. However, such person may commingle with such fiduciary funds in such account or depository such additional funds as he may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return commissions or for such contingencies as may arise in his business of receiving and transmitting premium or return premium funds.

SEC. 2. Section 1735 of the Insurance Code is amended to read:

1735. As used in this section a managing general agent is a licensed insurance agent who, (1) has a written management contract with one or more admitted insurers covering business transacted by the insurer in a substantial portion of the State of California; (2) under such contract manages the transaction of either all or one or more of the classes of insurance written by such insurers in that territory or the transactions therein by such insurers under a specified fictitious underwriter's name; (3) has the power to appoint, supervise and terminate this appointment of local agents in such territory; (4) has the power to accept or decline risks; and (5) collects premium moneys from producing agents and brokers and remits such moneys to such insurers pursuant to the account current system.

Any such managing general agent may, with respect to any principals for whom fiduciary funds are held, either comply with Section 1734 or with respect to such principals as have in writing specifically waived the segregation requirements of said section, comply with this section. A managing general agent electing to comply with this section may commingle the funds of any such principal with his own funds to an unlimited extent and shall maintain such fiduciary funds held for such principals at all times in a trustee bank account or depository in an amount equal to the net aggregate for all such principals of the premiums and return premiums, net of commissions, received by him and unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons. In computing such net aggregate any balance owed to such managing general agent by any principal may be deducted only if (1) such balance will, in the

normal course of business and pursuant to written contract, be paid or allowed to such managing general agent by such principal and (2) such principal is not in liquidation or conservation in any jurisdiction and is not the subject of voluntary or involuntary receivership proceedings.

CHAPTER 354

An act to amend Sections 10152, 10460, 10462 and 10463 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 10152 of the Business and Professions Code is amended to read:

10152. The commissioner may require such other proof as he may deem advisable concerning the honesty, truthfulness and good reputation of any applicant for a real estate license, or of the officers of any corporation making such application, before authorizing the issuance of a real estate license. For this purpose the commissioner may call a hearing in accordance with the provisions of this part relating to hearings. To assist in his determination the commissioner shall require every original applicant to be fingerprinted.

SEC. 2. Section 10460 of the Business and Professions Code is amended to read:

10460. As used in this article:

(a) "Military licensee" refers to any person who, while licensed under the Real Estate Law, or any of the statutes codified therein, entered the military service of the United States and notifies the commissioner of that fact within six months of such entry.

(b) "Persons in the military service of the United States" includes the following persons and no others: all members of the United States Army, the United States Navy, the United States Air Force, the Marine Corps, the Merchant Marine in time of war, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

(c) "Military service" signifies federal service after October 1, 1940, on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

SEC. 3. Section 10462 of the Business and Professions Code is amended to read:

10462. A military licensee shall not be entitled to the privileges of this article if he receives a dishonorable discharge from the military service of the United States or if he voluntarily remains in the military service for more than seven years from the date of notification to the commissioner as provided by subdivision (a) of Section 10460.

SEC. 4. Section 10463 of the Business and Professions Code is amended to read:

10463. Any person who would qualify as a military licensee except for the failure to notify the commissioner of his entry into the military service of the United States may apply to the commissioner for reinstatement of his license upon resuming business or within one year following termination of military service, whichever is earlier. The commissioner shall reinstate such an applicant if he finds that the applicant would be entitled to the privileges of this article except for his failure to give the commissioner notice of his entry into the military service of the United States. In the event the applicant failed to notify the commissioner of his entry into the military service as provided, he shall be required to submit proof of his previous licensure within seven years of the date of entry into the military service to permit reinstatement of his license.

CHAPTER 355

An act to amend Section 10970 of the Insurance Code, relating to insurance.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 10970 of the Insurance Code is amended to read:

10970. Fraternal benefit societies shall be governed by this chapter and shall be exempt from all other provisions of this code, except:

(a) Those provisions prior to Division 1 entitled "General Provisions."

(b) Sections 880, 881, 10112, 10114, 10117, 10118, 10119, 10120, 10171, and 10172.

(c) Articles 15 and 17 of Chapter 1, Part 2, Division 1.

(d) Those provisions specifically referred to in this chapter to the extent made necessary by such reference.

A statute relating to insurance shall not apply to them, unless they are expressly designated therein.

CHAPTER 356

An act to add Chapter 9.5 (commencing with Section 655) to Part 1 of Division 1 of the Insurance Code, relating to insurance.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Chapter 9.5 (commencing with Section 655) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 9.5. FILING OF CERTIFICATES

655. Every insurer issuing policies of motor vehicle liability insurance within the meaning of Section 16450 of the Vehicle Code, shall also, as an incident thereto, complete and file the certificate or certificates provided for under Sections 16431 and 16432 of the Vehicle Code.

CHAPTER 357

An act to add Chapter 5.2 (commencing with Section 500) to Part 1 of Division 1 of the Insurance Code, relating to insurance.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Chapter 5.2 (commencing with Section 500) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 5.2. RENEWAL NOTICES

500. Whenever any insurer has, as a regular course of conduct, sent renewal premium notices to an insured, and intends to discontinue that practice, it shall notify such insured of its intention not to send such notices.

CHAPTER 358

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

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. The electors of the Oroville Union High School District authorized an increase in the maximum rate of school district tax pursuant to Section 20803 of the Education Code. However, in compiling the school district tax rate for the 1971-1972 fiscal year, the full amount of the increase was not included.

The Legislature finds that the unique circumstances in the Oroville Union High School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 2. The governing board of the Oroville Union High School District is hereby authorized to increase, for the 1972-1973 fiscal year only, the maximum rate of school district tax by such amount as will, when levied against each one hundred dollars (\$100) of assessed value of property in the district, produce an amount sufficient to recover any loss in revenues suffered and not recouped in the 1971-1972 fiscal year through an omission to levy the full amount of the increase in the maximum tax rate authorized under Section 20803 of the Education Code.

The tax authorized by this section shall not exceed fifteen cents (\$.15) on each one hundred dollars (\$100) of the assessed value of property in the district.

The provisions of this section shall be operative only for the 1972-1973 fiscal year and shall have no force or effect thereafter.

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

A school district is required to publish its budget on or before August 15 of each year, and present the budget to the county superintendent of schools for review and determination of the amount of money which must be provided by a school district tax. It is necessary that this act be adopted as an urgency statute in order to be effective in time to allow the Oroville Union High School District to recoup in the 1972-1973 fiscal year any loss in revenues suffered during the 1971-1972 fiscal year.

CHAPTER 359

An act to add Section 39297.5 to the Health and Safety Code, relating to air pollution.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 39297.5 is added to the Health and Safety Code, to read:

39297.5. Notwithstanding Section 39295.7, on islands located 15 or more miles from the mainland coast, no air pollution control district shall adopt regulations more stringent than those provided for in this chapter.

CHAPTER 360

An act to amend Section 1243 of the Water Code, relating to water.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 1243 of the Water Code is amended to read:

1243. The use of water for recreation and preservation and enhancement of fish and wildlife resources is a beneficial use of water. In determining the amount of water available for appropriation for other beneficial uses, the board shall take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources.

The board shall notify the Department of Fish and Game of any application for a permit to appropriate water. The Department of Fish and Game shall recommend the amounts of water, if any, required for the preservation and enhancement of fish and wildlife resources and shall report its findings to the board.

This section shall not be construed to affect riparian rights.

CHAPTER 361

An act to amend Sections 13801, 13813, 14100, 14111 and 17668.5 of, and to add Article 13.5 (commencing with Section 14084) and Article 17 (commencing with Section 14130) to Chapter 4 of Division 10 of, the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 13801 of the Education Code is amended to read:

13801. This chapter shall be known and may be cited as the State Teachers' Retirement Law and may be known and cited as the E. Richard Barnes Act.

SEC. 3. Section 13813 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

13813. The revision of the State Teachers' Retirement Law, including this section, enacted at the 1971 and 1972 Regular Sessions of the Legislature, shall not be construed to affect the structure of the accounts and benefits of persons retired prior to July 1, 1972, or their beneficiaries, except as specifically provided.

SEC. 3.5. Article 13.5 (commencing with Section 14084) is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 13.5. Transfer of Assets—Los Angeles Unified School District Retirement System and Los Angeles Community College District Retirement System

14084. This article details the provisions relating to the transfer of assets from the Los Angeles Unified School District Retirement System and the Los Angeles Community College District Retirement System to the State Teachers' Retirement System should the members of the above-named local systems elect to be wholly covered by the State Teachers' Retirement System, as well as the provisions of law covering the transfer of assets from the State Teacher's Retirement System to the above-named local systems should the members of the local systems elect to be wholly covered by the above-named local systems.

The purpose of the asset valuation method described in this article shall be to provide equality for each party.

The transfer of assets provided for in this article shall be in cash or in securities in kind. Without in any way limiting the definition of "securities" and so that it may be perfectly clear, this term shall include notes secured by mortgages or real estate mortgages.

14084.1. Sections 14085 through 14091 apply to the transfer of

assets as of June 30, 1972, as they relate to the Los Angeles Unified School District Retirement System.

14085. The total market value of the State Teachers' Retirement Funds' securities shall be established as of the close of business on June 30, 1972. The accrued income on the securities at June 30, 1972, cash on hand, the investment principal in course of collection and the members contributions receivable shall be added to the total market value of securities and, after deducting interest and principal collected in advance and retirement claims payable and filed, this amount shall be divided by the total of member contribution reserves plus reserves for retirement annuities, death annuities, and survivor benefits. The quotient thus obtained, computed to eight places past the decimal, shall be divided into the total of the cash, market values of the securities in kind which are to be transferred to the State Teachers' Retirement System to enable that system to discharge the obligations for member contribution reserves plus reserves for retirement annuities, death annuities and survivor benefits being assumed by that system for the Los Angeles Unified School District Retirement System in Section 14134.1, established as of the close of business on June 30, 1972, and any accrued income thereon, to provide the values of the Los Angeles Unified School District's assets for transfer. To ensure uniform calculation of the reserves for retirement annuities, death annuities and survivor benefits, the reserves for both systems shall be calculated by applying the appropriate State Teachers' Retirement System's 1943 and 1962 State Teachers' Mortality Tables, 4 percent interest attained-age annuity factors to the benefits payable as of June 30, 1972.

Accrued income properly computed shall include any delinquent interest at the face rate on any item which, while in default, is guaranteed or insured by an agency of the United States government.

Values established in accordance with the above procedures shall be obtained and approved by each board, who may obtain the assistance of other parties and may, if they so desire, agree to binding valuations by a mutually agreed-upon independent party.

Either the Los Angeles Unified School District or the Teachers' Retirement Board may reject specified securities for transfer and recommend alternative selections.

Selection of securities to be transferred in kind shall not be made in a manner adverse to the Teachers' Retirement Fund. While a proportionate division of each holding shall not be required, the State Teachers' Retirement System shall be entitled to a division of the city local system's securities distributed between nonconvertible fixed income investments, equities, and securities convertible into equities in proportion to the book value of these security groupings to the total value of the city local system's portfolio as of June 30, 1972. However, the Teachers' Retirement Board may reject any securities which do not qualify under its investment resolution as amended December 18, 1970.

Should the respective parties be unable to reach agreement on market value of assets by October 15, 1972, the matter shall be submitted to arbitration by an independent party who, in making his determination shall be guided by the State Constitution, existing law, the formal investment resolution of the Teachers' Retirement Board as amended December 18, 1970, and the provisions of this article, and his decision shall be binding upon both parties to the extent that it is legal under state law. The arbitrator shall be mutually agreed upon by the respective boards. If agreement cannot be reached, the market value shall be established by a panel of three arbitrators, one appointed by the Los Angeles Unified School District, one by the Teachers' Retirement Board and the third selected by mutual agreement of the first two. Decisions of the arbitration panel shall be binding upon the Los Angeles Unified School District and the State Teachers' Retirement System to the extent that it is legal under state law.

14086. To mitigate the possibility of conflicts arising because of changing market valuations over time, the transfer shall be effected as soon as possible. To this end, a partial transfer consisting of cash and securities in kind valued at market plus accrued income equivalent to 90 percent of the estimated value of the annuity savings (active member accumulated contributions) shown on the city system's records shall be made as soon after June 30, 1972, as possible with a subsequent adjustment in its valuation amount effected as soon as the aforementioned valuation quotient is computed. A decision as to which stocks shall be eligible for transfer must be agreed upon by both parties prior to the valuation date to avoid any possible inequity. For the total of the common and preferred stocks to be transferred, any change in the market value between the valuation date and the actual date of transfer shall bear a close relationship to the change in the Standard and Poor's Composite Stock Index of 500 Companies between the same dates.

14086.1. If the Los Angeles Unified School District Retirement System incurs a net realized loss from the transfer of assets at less than their book values, that loss shall be a charge against the residual funds remaining on deposit with the Los Angeles Unified School District.

14086.2. The transfer of cash and securities in kind from the Los Angeles Unified School District to the State Teachers' Retirement System shall be accomplished by that district delivering the cash and securities in kind at the office of the State Treasurer in Sacramento properly registered in the name of the State Teachers' Retirement System in accordance with the registration requirements of the State Teachers' Retirement System. This transfer shall be completed by June 30, 1973. Interest on the actual amount of any cash transfer shall be at the rate of 6 percent per annum from July 1, 1972, to date of the transfer. Any cash income payments or payments on securities received in the form of securities by the Los Angeles Unified School District after June 30, 1972, which are properly allocable to the

Teachers' Retirement Fund shall be paid to the Teachers' Retirement Fund.

14087. If the Los Angeles Unified School District's assets contributed are recorded in the State Teachers' Retirement System's accounts at a total amount different than the total member annuity savings (active member accumulated contributions) and present value of retired roll being financed from local system reserves transferred to the State Teachers' Retirement System, the difference shall be recorded in the State Teachers' Retirement System's account as a deferred item which is to be amortized over a 25-year period.

14088. All costs of the asset transfer, asset valuation, security registration, and the administrative costs in the implementation of Chapter 1305, Statutes 1971, as they relate to the local system, shall be a charge against the residual funds remaining on deposit with the Los Angeles Unified School District.

14089. The balance of assets remaining on deposit with the Los Angeles Unified School District after the transfers, deposits and payments required by this article or after establishment of reserves from which such deposits and payments shall be made, shall be held intact by the districts until the Legislature either prior thereto or thereafter expressly authorizes the expenditure or other disposition thereof.

14090. In the event that the members of the Los Angeles Unified School District Retirement System elect to be fully covered by their local system so as to require a transfer of cash and securities in kind from the Teachers' Retirement Fund to the Los Angeles Unified School District Retirement System, the State Teachers' Retirement System shall contribute cash or securities in kind. The quotient obtained under Section 14085 shall be divided into the total of the cash, market values of the securities in kind which are to be transferred, established as of the close of business June 30, 1972, and any accrued income thereon, to provide the valuation of the assets which are to be transferred to the local system. The actual cash contributed shall bear interest at the rate of 6 percent per annum from the date due until the date of transfer.

14091. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

SEC. 4. Section 14100 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14100. The school districts and other employing agencies in the state shall contribute monthly to the Teachers' Retirement Fund the following percentages of the total of the salaries upon which members' contributions are based:

- (a) For fiscal year ending June 30, 1973 3.2%
- (b) For fiscal year ending June 30, 1974 4%
- (c) For fiscal year ending June 30, 1975 4.8%

- (d) For fiscal year ending June 30, 1976 5.6%
- (e) For fiscal year ending June 30, 1977 6.4%
- (f) For fiscal year ending June 30, 1978 7.2%
- (g) For all fiscal years after June 30, 1978 8%

In a local district only the salaries of those members who are not contributing to the local system shall be included in the preceding computations of total contributions by the district.

SEC. 5. Section 14111 of the Education Code as added by Chapter 1305, Statutes of 1971, is amended to read:

14111. District taxes may be levied and collected annually pursuant to this section by the respective districts at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of taxes for school district purposes.

Such tax is for the purpose of providing funds to make contributions to the Teachers' Retirement Fund required of school districts under Section 14100 and to local retirement systems, and the rate shall be such as necessary to raise the amount of difference between the estimated amount of contribution needed and the estimated amount of foundation support provided by Section 17668.5.

The tax rate provided by this section shall not exceed ten cents (\$0.10) per each one hundred dollars (\$100) of the assessed value of property in an elementary school district or five cents (\$0.05) per each one hundred dollars (\$100) of the assessed value of property within a high school district or community college district.

In a unified school district the tax rate provided by this section shall not exceed fifteen cents (\$0.15) per each one hundred dollars (\$100) of the assessed value of property within the district.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate provided by this section, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required by Section 14100.

SEC. 6. Article 17 (commencing with Section 14130) is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 17. Los Angeles Unified School District Retirement System

14130. Chapter 1305 of the Statutes of 1971, modified the State Teachers' Retirement System for improving benefits for, and providing a source of financing from teachers and school districts which did not maintain a local retirement system. These changes make it impossible to continue the prior relationship of the Los Angeles and San Francisco systems to the State Teachers' Retirement System. To enable these local systems to separately determine their future course of action, Chapter 1305 of the Statutes

of 1971 makes no change in the local systems other than to terminate additional subventions after June 30, 1972.

The purpose of this article is to grant authority to the Los Angeles Unified School District to take any and all necessary steps to determine whether it wishes to merge with the State Teachers' Retirement System and thereby gain the advantage of the benefit improvements and financing structure of that system, or to continue to operate a separate system under a local benefit and financing program. This authority shall include the right to expend moneys out of the local system fund to cover the expenses of the investigation of the advantages of the merger and to consummate the merger if this course appears desirable, as well as to create and maintain reasonable contingency reserves to insure an orderly and adequate transition fully protecting the interests of the Los Angeles teachers.

14131. Notwithstanding any other provision of this code, the provisions of this article shall govern the matters included in this article.

14132. The modifications to the State Teachers' Retirement System retirement, disability and family allowances formulae contained in Chapter 1305 of the Statutes of 1971 shall not apply to the Los Angeles Unified School District Retirement System, hereinafter called the city local system.

14133. An election shall be held any time prior to July 1, 1972, to determine if the affected members of the city local system are to be covered only by that system or to be covered only by the State Teachers' Retirement System. The election shall be decided by a simple majority of those voting. The election shall be effective as of July 1, 1972.

The election shall be in such manner as specified by the governing board of the Los Angeles Unified School District and the results shall be transmitted to the State Teachers' Retirement System by that board no later than June 30, 1972. All costs of the election shall be borne by the employer reserve in the city local system.

14133.1. If the affected members of the city local system vote in an election held prior to July 1, 1972, to be covered only by the city local system, Sections 14133.2 through 14133.8 shall apply.

14133.2. Effective July 1, 1972, all members of the city local system are excluded from membership in the State Teachers' Retirement System except for nonlocal service. A person so excluded shall retain the right to receive a retirement allowance for nonlocal service which is creditable in the State Teachers' Retirement System unless he withdraws his contributions therefor as provided in Section 14070.

14133.3. All persons who first enter employment in the Los Angeles Unified School District on or after July 1, 1972, in positions which otherwise would be eligible for membership in the State Teachers' Retirement System are members of the city local system. The State Teachers' Retirement System shall not accept these persons into membership.

14133.4. Member and employer contributions for service performed in the Los Angeles Unified School District shall be paid to the city local system.

14133.5. All persons on the city local system retired rolls on June 30, 1972, shall remain on the local rolls. The State Teachers' Retirement System will continue the subvention in Section 14120 to the local district for those persons, will pay the retired update and annual improvement factor increase directly to the retirant and will pay the two-thousand-dollar (\$2,000) retired death benefit upon their death. Such retired death benefit will be reduced by the retired death benefit payable by the city local system.

14133.6. The city local system shall provide concurrent retirement benefits for service in the city local system as provided in Sections 13838, 13990 and 14211 as these sections read on July 1, 1972, for:

(a) Any person who was a member of both retirement systems on June 30, 1972; and

(b) Any person who could have qualified under (a) above if he had not taken a refund from either but not both systems; provided he qualifies for and redeposits prior to retirement in either system.

14133.7. Notwithstanding the provisions in Section 14211, a member of the city local system may retire concurrently and receive credit from the State Teachers' Retirement System for service performed in other states of the United States, its territories and possessions and the Dominion of Canada provided that the person is eligible under Sections 13998, 13999 and 14000, and the benefits attendant thereto.

14133.8. The city local system shall provide for and assume total financial responsibility for the full Permanent Fund benefit earned through June 30, 1972, as those benefits existed in subdivision (a) of Section 14240 on June 30, 1972.

The accumulated Permanent Fund contributions related to Los Angeles local service shall be transferred to the city local system as of July 1, 1972.

14134. If affected members of the city local system on June 30, 1972, vote in an election held prior to July 1, 1972, to be covered only by the State Teachers' Retirement System, Sections 14134.1 through 14139 shall apply.

14134.1. The subvention to the city local system shall be canceled and the retired rolls transferred to the State Teachers' Retirement System as of July 1, 1972, together with the present value of the annuity and other benefits being paid from the employer and employees' reserves in the city local system less the present value of the benefit being provided out of subventions.

14134.2. There shall be no reduction of any benefit being paid to an individual as a result of Section 14134.1.

14134.3. All service credited to the individual accounts in the city local system shall be transferred to the State Teachers' Retirement System on the same basis as credentialed service is credited in the

State Teachers' Retirement System.

14134.4. The Los Angeles Unified School District shall transfer to the Teachers' Retirement Fund as of July 1, 1972, the total contributions on deposit in the individual accounts of members of the city local system, and shall transfer not less than:

(a) An amount equal to the contributions that would have been required had all service prior to July 1, 1972, been performed as a nonlocal member of the State Teachers' Retirement System plus credited interest through June 30, 1972, plus 6 percent interest from July 1, 1972, to the actual date of transfer; plus

(b) An amount equal to 8 percent of the employee compensation as provided in Section 13832 for service performed from the date due in the system's office plus 6 percent interest.

14134.5. The Los Angeles Unified School District shall also deposit in the Teachers' Retirement Fund an amount equal to 3.2 percent of employee compensation as provided in Section 13832 as the employer's contribution for service performed from the date due in the system's office, plus 6 percent interest.

14134.6. If the accumulated contributions in the person's account at the time of transfer to the State Teachers' Retirement System are not equal to those required in Section 14134.4, the difference between the amount in the account and the required amount is an unfunded liability and is the responsibility of the employer. The Los Angeles Unified School District shall, at the time of the transfer of assets, provide the additional amount of accumulated contributions required to put each individual account in balance if the shortage is due to the rate of contributions which had been required by the city local system. Such amount shall be a charge against the residual funds remaining on deposit with the Los Angeles Unified School District. Clerical errors in assignment of rates or errors in rates due to incorrectly reported birth dates are the responsibility of the member.

14134.7. Any funds transferred by the governing board of the Los Angeles Unified School District in accordance with Section 14134.4 in addition to the accumulated contributions already in the member's account shall be deposited as employer contributions in the Teachers' Retirement Fund, and shall not be credited to the member's account and shall not be refundable.

14134.8. Persons who elected to retain the $\frac{1}{60}$ th formula when the $\frac{1}{60}$ th formula was adopted by the city local system are liable for the portion of contributions related to that election plus credited interest through June 30, 1972, and regular interest thereafter.

14134.9. Adjustments to accounts caused by late discovery shall be made in accordance with Sections 14134.4, 14134.5, 14134.6 and 14134.8.

14134.10. Those persons who took a refund of their contributions and interest from the city local system prior to July 1, 1972, and who have Permanent Fund contributions on deposit in the State Teachers' Retirement System for such service shall have the

accumulated Permanent Fund contributions on deposit in the State Teachers' Retirement System as of July 1, 1972, treated in the same manner as the Permanent Fund contributions of all nonlocal members.

Upon discovery and notification to such persons, they shall:

- (a) Redeposit the contributions required with regular interest; or
- (b) Leave the Permanent Fund accumulated contributions on deposit and receive an actuarially reduced retirement allowance.

14138. The Los Angeles Unified School District may continue the current annual report of member contributions and service for fiscal year 1972-1973 for all nonlocal certificated members working in the Los Angeles Unified School District. The 8-percent employee and 3.2-percent employer contributions for these nonlocal members shall be remitted monthly. If an annual report is submitted instead of a monthly report, it is due on July 31, 1973, and is delinquent on August 31, 1973. The provisions of Section 14056 shall apply.

14139. The city local system shall submit a list of all members of that system as of June 30, 1972, who have credentialed service which would qualify for membership in the State Teachers' Retirement System. The list shall be submitted to the State Teachers' Retirement System no later than August 31, 1972.

14140. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

SEC. 7. Section 17668.5 of the Education Code as added by Chapter 1305, Statutes of 1971 is amended to read:

17668.5. Except for the areawide foundation programs the Superintendent of Public Instruction shall increase the various foundation programs for each school unit of average daily attendance by sixteen dollars (\$16) in the 1972-73 fiscal year and an additional four dollars (\$4) in each fiscal year thereafter to a maximum of forty dollars (\$40). The Superintendent of Public Instruction shall compute the increased foundation support pursuant to this section as though no areawide school support programs were in operation in the state. The Superintendent of Public Instruction may adjust the small school foundation programs at the elementary, high school and community college levels in accordance with this increase in the regular foundation program.

In addition the Superintendent of Public Instruction shall in making the computation prescribed in Sections 17702 and 17951 of the Education Code increase the computational tax in Sections 17702 and 17951 by:

- (a) Four cents (\$0.04) in the 1972-73 fiscal year and an additional one cent (\$0.01) in each fiscal year thereafter to a maximum of ten cents (\$0.10) in an elementary school district.
- (b) Two cents (\$0.02) in the 1972-73 fiscal year and an additional one-half cent (\$0.005) in each fiscal year thereafter to

a maximum of five cents (\$0.05) in a high school district.

(c) Eight-tenths of one cent (\$0.008) in the 1972-73 fiscal year and an additional two-tenths of one cent (\$0.002) in each fiscal year thereafter to a maximum of two cents (\$0.02) in a community college district.

Further, the Superintendent of Public Instruction shall identify to each school district the amount of increased foundation support granted under this section which shall be used as a limitation on the taxes that may be levied and collected annually under the provisions of Section 14111 of the Education Code.

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

The facts constituting such necessity are: In order to permit the orderly implementation of Chapter 1305 of the Statutes of 1971 this act must take effect immediately.

CHAPTER 362

An act to add Section 6401.5 to the Labor Code, relating to employment safety.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 6401.5 is added to the Labor Code, to read:
6401.5. Every contractor on a construction project, including but not limited to any public works, shall maintain adequate emergency first aid treatment for his employees. As used in this section, "adequate" shall be construed to mean sufficient to comply with the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596).

CHAPTER 363

An act to amend Section 3355 of the Business and Professions Code, relating to hearing aid dispensers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 3355 of the Business and Professions Code is amended to read:

3355. An applicant who has fulfilled the requirements of Section 3352 and has made application therefor on or before July 15, 1972, and who proves to the satisfaction of the board that on July 15, 1972, he was engaged in the fitting and selling of hearing aids at an established place of business in this state, or who was regularly serving residents of this state from a permanent place of business located within 100 miles of the borders of this state, either as a dispenser or as an employee of such dispenser, may have a temporary license issued to him which shall entitle him to continue to engage in the fitting and selling of hearing aids for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 90 days after the date of issue of such temporary license. However, a person who has engaged in the fitting and selling of hearing aids at an established place of business in this state for a period of 10 years on the effective date of this act or a person who has regularly served residents of this state from a permanent place of business located within 100 miles of the borders of this state, for the 10 years previous to the effective date of this act, shall be exempt from the provisions of paragraphs (1), (2), and (3) of subdivision (a) of Section 3353.

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

There has been an unavoidable delay in the establishment of qualifying examinations for the licensing of hearing aid dispensers, causing some hearing aid dispensers to be ineligible for even a temporary license. In order to avoid hardship and inequitable treatment for such hearing aid dispensers, it is necessary that this act take effect immediately.

CHAPTER 364

An act to amend Section 8140 of the Government Code, relating to California-Nevada Interstate Compact Commission.

[Approved by Governor July 13, 1972 Filed with
Secretary of State July 13, 1972]

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

SECTION 1. Section 8140 of the Government Code is amended to read:

8140. The commission shall be abolished upon the earlier occurrence of either the effective date of the compact, or the 61st day after final adjournment of the 1974 session of the Legislature.

CHAPTER 365

An act to amend Sections 6738 and 6738.1 of the Business and Professions Code, relating to professional engineering.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 6738 of the Business and Professions Code is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical or mechanical engineers from practicing or offering to practice within the scope of their registration, civil, electrical or mechanical engineering through the medium of a partnership, firm or corporation; provided:

(1) A civil, electrical or mechanical engineer is the partner, member, or directing officer in charge of the engineering practice of the partnership, firm, or corporation.

(2) All engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered engineer in the appropriate branch of professional engineering, who shall sign or stamp with his seal such plans, specifications, and reports.

(3) The partnership, firm or corporate name shall not contain the name of any person who is either not registered by the board in a branch of professional engineering, or as an architect, or of any person who is not registered as a geologist under the provisions of the Geologist Act (Chapter 12.5, commencing with Section 7800, of this division); provided, that any holding out by such partnership, firm, or corporation of any individual or individuals to the public as a member, or members, of such partnership, firm, or corporation, other than by the use of the name or names of such individual or individuals in the partnership, firm, or corporate name, shall clearly and specifically designate the license status of such individual or individuals.

(b) Except as provided in Section 6737.2, nothing herein shall authorize the offering to practice or the practice of civil, electrical or mechanical engineering by any persons, either as a member, officer or employee of any partnership, firm, or corporation, who is not registered in the appropriate branch of professional engineering.

(c) This chapter does not prevent or prohibit an individual, firm, company, association or corporation engaged in any line of business other than the practice of civil, electrical or mechanical engineering from employing a registered civil, electrical or mechanical engineer to perform the corresponding civil, electrical or mechanical engineering services incidental to the conduct of their business.

(d) The provisions of this section shall not apply to, or prevent the use of the name of, any partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence

on September 30, 1947; provided, all civil engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further, that all civil engineering plans, specifications and reports shall be signed by or stamped with the seal of the registered civil engineer in charge of the preparation of the same.

Nor shall they apply to or prevent the use of the name of any partnership, firm, or corporation engaged in rendering electrical or mechanical engineering services which was lawfully in existence on December 31st, 1967; provided all electrical or mechanical engineering plans, specifications, and reports are prepared correspondingly by or under the direct supervision of a registered electrical or mechanical engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further that all electrical or mechanical engineering plans, specifications and reports shall correspondingly be signed by or stamped with the seal of the registered electrical or mechanical engineer in charge of the preparation of the same.

(e) The provisions of this section shall not prevent the use of the name of a partnership, firm, or corporation engaged in rendering professional engineering services which was lawfully in existence on September 30, 1947, by any lawful successor in interest or survivor if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of the successor or survivor, determines, after hearing, that the actual operating organization of the partnership, firm, or corporation is substantially carried into and becomes an operating part of the successor or survivor and that the public safety, health, and welfare will not be impaired; provided that in the practice of professional engineering such successor in interest or survivor shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of this section.

SEC. 2. Section 6738.1 of the Business and Professions Code is amended to read:

6738.1. The provisions of Section 6738 shall not prevent a partnership, firm, or corporation engaged in rendering professional engineering services from using in its name the name of a deceased or retired person where (a) the deceased or retired person's name had been used in the name of such partnership, firm, corporation, or a predecessor in interest of such partnership, firm, or corporation, for a period of five consecutive years prior to the death or retirement and continuously after the death or retirement, and where (b) the deceased or retired person shall have been a partner of such partnership, member of such firm, shareholder of such corporation, or a partner, member, or shareholder of such predecessor in interest of the partnership, firm or corporation, and where (c) the deceased or retired person shall have been registered by the board in a branch

of professional engineering, or as an architect continuously for a period of five years prior to his death or retirement, if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of such partnership, firm, or corporation, determines, after hearing, that the actual operating organization thereof is otherwise substantially the same as prior to the death or retirement and that the public safety, health, and welfare will not be impaired; provided that a retired person has consented to the continued use of his name, does not engage in the practice of professional engineering with any other partnership, firm, or corporation during the period of such consent, and does not permit the use of his name in the practice of professional engineering during the period of such consent by anyone other than the partnership, firm, or corporation from which he retired; and provided further that in the practice of professional engineering through such partnership, firm, or corporation it shall continue to be so carried on and shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of Section 6738. A partnership, firm, or corporation, which has complied with the provisions of subdivision (e) of Section 6738 shall be exempted from compliance with this section.

Any partnership, firm, or corporation using in its name the name of a deceased person as provided for in this section shall designate on its letterheads and other listings of firm personnel the years in which the deceased was born and died.

CHAPTER 366

An act to amend Section 11525.2 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. Section 11525.2 of the Business and Professions Code is amended to read:

11525.2. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school

service. In no case shall the local governing body require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

An ordinance adopted pursuant to this section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 4 (commencing with Section 11550) of this chapter. The requirement of dedication shall be imposed at the time of approval of the tentative map. If, within 30 days after the requirement of dedication is imposed by the city or county, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after, the filing of the final map on any portion of the subdivision. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

1. The name and address of the subdivider dedicating the property.

2. A legal description of the real property dedicated.

3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

4. Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school

district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 11525.

CHAPTER 367

An act to amend Section 34272 of the Health and Safety Code, relating to housing.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 34272 of the Health and Safety Code is amended to read:

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. Notwithstanding any other law, and subject to the conditions in this section, a commissioner may be an officer or employee of the county or city for which the authority is created, or he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community. An officer or employee of a city or county in which an authority is established may serve as a commissioner only if such officer or employee does not exercise powers or duties in his office or employment that may conflict with the exercise of the independent judgment required to carry out the purposes of an authority. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

SEC. 2. Section 34272 of the Health and Safety Code is amended to read:

34272. In the case of a commission of five persons, three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four

years from the date of their appointments. In the case of a commission of seven persons, four of the commissioners first appointed shall be designated to serve for terms of one, two, three, and four years, respectively, and three shall be designated to serve for terms of four years from the date of their appointments. If two commissioners are added to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature, such commissioners shall serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. If a tenant commissioner ceases to be a tenant of the authority, he shall be disqualified as commissioner and another tenant shall be appointed to fill the unexpired term. Notwithstanding any other law, and subject to the conditions in this section, a commissioner may be an officer or employee of the county or city for which the authority is created, or he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community. An officer or employee of a city or county in which an authority is established may serve as a commissioner only if such officer or employee does not exercise powers or duties in his office or employment that may conflict with the exercise of the independent judgment required to carry out the purposes of an authority. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 419 are both chaptered and amend Section 34272 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 419, that the amendments to Section 34272 proposed by both bills be given effect and incorporated in Section 34272 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 419 are both chaptered, both amend Section 34272, and Assembly Bill No. 419 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 368

An act to amend Sections 18730 and 18731 of the Government Code, relating to state civil service, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 18730 of the Government Code is amended to read:

18730. The board may establish a clerical pool in any locality where the demand for temporary clerical help warrants it. Such pool shall be established by the employment of sufficient clerical employees by the board to fill the needs of various appointing powers for temporary help from time to time.

SEC. 2. Section 18731 of the Government Code is amended to read:

18731. Upon a request from any appointing power for temporary help which can be filled from those employed by the board in the clerical pool, the board shall assign such persons as are needed.

Upon such assignment the appointing power may be charged pursuant to Section 11253 or Sections 11256 to 11263, inclusive, for the cost of the services.

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

The need for temporary help clerical personnel is increasing. In the past, this need has been met through alternative methods such as limited-term and permanent-intermittent appointments made by individual departments or, more recently, by contracting with private temporary help agencies to provide the service. Contracting for such service may be in conflict with constitutional requirements. Therefore, this legislation should be given immediate effect so that the necessity for such contractual arrangements may be minimized.

CHAPTER 369

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor July 13, 1972. Filed with
Secretary of State July 13, 1972.]

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

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

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

SEC. 5. If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 370

An act to add Section 17410 to the Welfare and Institutions Code, relating to county general assistance.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 17410 is added to the Welfare and Institutions Code, to read:

17410. Any person who with the intent to defraud, buys or receives a voucher, invoice, or similar document issued for services or merchandise under this part without furnishing such services or merchandise is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine, or by imprisonment in the state prison for a period of not more than one year, by a fine of not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine.

CHAPTER 371

An act to add Section 465 to the Public Utilities Code, relating to public utilities.

[Approved by Governor July 13, 1972 Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 465 is added to the Public Utilities Code, to read:

465. (a) Except as provided in subdivision (b), whenever any labor of a custodial or janitorial nature is not performed by the employees of a public utility, such labor shall be let out under contract to the lowest responsible bidder with the provision that prevailing wages be a condition of any such contract.

(b) Nothing in this section shall prevent a public utility from employing a custodial or janitorial service for a period of 90 days or less without a contract meeting the requirements of subdivision (a) of this section.

CHAPTER 372

An act to amend Section 22358.3 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 13, 1972. Filed with Secretary of State July 13, 1972.]

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

SECTION 1. Section 22358.3 of the Vehicle Code is amended to read:

22358.3. Whenever the legislative body of any city determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than is reasonable or safe, such legislative body may by ordinance determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

 CHAPTER 373

An act to amend Sections 66611 and 66652 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 66611 of the Government Code is amended to read:

66611. No later than December 1, 1971, the commission, after public hearing, of which adequate descriptive notice is given, shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602. After such filing the commission may change such boundaries in the manner provided by Section 66652 for San Francisco Bay Plan maps. Such change will become effective only if authorized by an affirmative vote of two-thirds of the commission's members and, where the change involves a reduction or elimination of a priority use area which has been so designated because of contemplated acquisition necessary to implement the priority use, upon a finding that there is no substantial probability that a public agency will be

committed to acquiring the area within the period prescribed by Section 66632.3 assuming the area were to be listed in the next report authorized by Section 66630.1. No other changes shall be made in such boundaries, except with the approval of the Legislature.

SEC. 2. Section 66652 of the Government Code is amended to read:

66652. The commission at any time may amend, or repeal and adopt a new form of, all or any part of the San Francisco Bay Plan but such changes shall be consistent with the findings and declarations of policy contained in this title.

Such changes shall be made by resolution of the commission adopted after public hearing on the proposed change, of which adequate descriptive notice shall be given. If the proposed change pertains to a policy or standard contained in the San Francisco Bay Plan, or defines a water-oriented use referred to in Section 66602 or 66605, the resolution adopting the change shall not be voted upon less than 90 days following notice of hearing on the proposed change and shall require the affirmative vote of two-thirds of the commission members. If the proposed change pertains only to a map or diagram contained in the San Francisco Bay Plan, the resolution adopting the change shall not be voted on less than 30 days following notice of hearing on the proposed change, except that changes proposed under Section 66611 shall not be voted on less than 90 days following such notice, and shall, except as provided by Section 66611, require the affirmative vote of the majority of the commission members.

CHAPTER 374

An act to amend Section 16522 of the Government Code, relating to deposits of state money.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 16522 of the Government Code, as amended by Chapter 293 of the Statutes of 1965, is amended to read:

16522. The following securities may be received as security for demand and time deposits:

(a) Bonds, notes, or other obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this state, and, in addition, revenue or tax anticipation notes, and revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by this state, or such local agency or district, or by a department, board, agency, or authority thereof.

(d) Registered warrants of this state.

(e) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act, as amended.

CHAPTER 375

An act to add Article 8.5 (commencing with Section 1075) to Chapter 3 of Division 4 of the Education Code, relating to scholarship and loan funds.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Article 8.5 (commencing with Section 1075) is added to Chapter 3 of Division 4 of the Education Code, to read:

Article 8.5. Scholarship and Loan Funds

1075. The governing board of any school district may establish and maintain a scholarship and loan fund, to be administered by a committee composed of the members of the governing board of the school district, the school district superintendent, and such other community, faculty, administrative, and student representatives as the governing board shall determine.

The governing board shall, by rules and regulations, determine the

terms of office and the method of selection of such community, faculty, administrative, and student representatives.

1075.1. The superintendent of school district shall be the chairman of the committee and shall be the chief executive officer of the fund.

1075.2. The committee shall meet at least once each fiscal year and at such other times as it may be called into session by the chairman.

1075.3. The committee may accept on behalf of, and in the name of, the fund, such gifts, donations, bequests, and devises as are made for the purposes of the fund. Such gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the committee may prescribe.

Any donor to the fund may impose conditions to his gift, donation, bequest, or devise. The committee shall review all such conditions and make a recommendation to the governing board as to the compatibility of such conditions with the intent and purpose of the fund. The governing board shall have the authority to prohibit the committee from accepting any proposed donation to the fund if conditions with respect to the gift, donation, bequest, or devise are incompatible with the intent and purpose of the fund, as determined by the governing board.

Except as provided in this section, in no event shall the approval of any state agency be a prerequisite to acceptance by the committee of any gift, donation, bequest, or devise.

1075.4. Money in the fund shall be deposited in a bank or other institution whose accounts are insured by the Federal Deposit Insurance Corporation, and any money so deposited shall be in an account or accounts fully covered by such insurance.

The committee shall establish and maintain procedures to identify clearly all money in the fund and its separate and distinct impressed trusts, if any, and from whom and to whom such money was received and dispersed.

1075.5. All money in the fund shall be available for making interest-free loans for educational advancement, for scholarship, or for grants-in-aid to eligible persons. An eligible person for such loans shall be any of the following:

- (a) A bona fide organization of a school under the jurisdiction of the governing board of the school district.
- (b) An enrollee at a school under the jurisdiction of the governing board of the school district.
- (c) A graduate of a school under the jurisdiction of the governing board of the school district.

1075.6. An applicant for a loan from the fund shall make application therefor in accordance with reasonable rules and regulations established by the governing board of the school district, provided that such rules and regulations shall not include any conditions limiting eligibility on account of race, creed, or country of origin.

1075.7. All expenses in the administration of the fund including, but not limited to, operating costs, audits, promotion of the fund, and physical housing for the committee, shall be a proper charge against the funds of the school district and the annual budget of the school districts shall include funds for such expenses.

1075.8. The governing board of the school district shall arrange for an annual audit of the fund in the same manner as prescribed in Section 17206.

1075.9. The chief executive officer of the fund shall make periodic reports, but not less frequently than annually, to the governing board of the school district with respect to the status and activity of the fund.

CHAPTER 376

An act to add Section 15356 to the Education Code, relating to school buildings.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 15356 is added to the Education Code, to read:

15356. The provisions of Article 3 (commencing with Section 15401), Article 4 (commencing with Section 15451), and Article 5 (commencing with Section 15501) of this chapter shall not apply to an existing building which is used in part for community college purposes, if:

(a) The building is not owned or being purchased by, nor situated on property owned or being purchased by, the community college district, and

(b) The predominate use of such building is by other than a school district or community college district, and

(c) Such building is not reconstructed, altered, or added to by the community college district at a cost exceeding ten thousand dollars (\$10,000), and

(d) There is posted near the entrance to such building a conspicuous notice stating that such building was not constructed in accordance with legally prescribed earthquake safety standards for school buildings.

This section shall not be construed to relieve a school district governing board, or the members thereof, from any liability which might otherwise be imposed upon such board or members arising out of the use of any building which this section excludes from prescribed earthquake safety standards.

CHAPTER 377

An act to amend Section 41008 of the Agricultural Code, relating to tomatoes.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 41008 of the Agricultural Code is amended to read:

41008. Each member of the committee, any alternate member serving in the absence of a regular member, and any member of an advisory committee appointed by the chairman of the committee, may, with approval of the director, be reimbursed for the actual and necessary expenses incurred in the performance of his official duties, however he may not receive any other consideration. Any such reimbursements shall be made at the rate permitted under the rules of the State Board of Control.

CHAPTER 378

An act to amend the heading of Chapter 3 (commencing with Section 71820) of Part 6 of Division 20 and Sections 71820, 71821, 71822, and 71823 of the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. The heading of Chapter 3 (commencing with Section 71820) of Part 6 of Division 20 of the Water Code is amended to read:

CHAPTER 3. ADOPTION OF IMPROVEMENT ACTS

SEC. 2. Section 71820 of the Water Code is amended to read:

71820. A district may use the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 for the construction of any facilities authorized to be constructed by a district under the provisions of this division.

SEC. 3. Section 71821 of the Water Code is amended to read:

71821. The powers and duties conferred pursuant to Section 71820 on the various boards, officers, and agents of cities shall be exercised by the corresponding boards, officers, and agents of the district.

SEC. 4. Section 71822 of the Water Code is amended to read:

71822. In the application of the improvement acts specified in Section 71820 to proceedings instituted by a district, the terms used in such improvement acts have the following meanings:

(a) "City council," "council," or "legislative body" means the board of directors of the district.

(b) "Municipality" or "city" means the district.

(c) "Clerk" or "city clerk" means the secretary of the district.

(d) "Superintendent of streets," "street superintendent," or "city engineer" means any person appointed by the board to perform such duties.

(e) "Tax collector" means the county tax collector.

(f) "Treasurer" or "city treasurer" means the person or officer who has charge of and makes payment of the funds of the district.

(g) "Mayor" means the president of the board.

(h) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the district for the purpose of constructing and maintaining any district works or improvements.

(i) "Auditor" means the county auditor.

SEC. 5. Section 71823 of the Water Code is amended to read:

71823. Any certificates or documents required by the improvement acts specified in Section 71820 to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the district.

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

This act would authorize municipal water districts to use the Municipal Improvement Act of 1913 and the Improvement Bond Act of 1915, for the construction of district facilities. Such facilities are urgently needed for the protection of the health and safety of residents of certain municipal water districts. In order, therefore, to permit such facilities to be constructed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 379

An act to amend Section 62186 of the Agricultural Code, relating to milk.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 62186 of the Agricultural Code is amended to read:

62186. If, after the public hearing, the director determines that the proposed plan will tend to accomplish the purposes of this chapter within the standards which are prescribed in it, he shall issue an order to all producers and distributors of record with the department and subject to the provisions of such plan, declaring such plan in effect within 45 days from the date of such hearing; provided, however, that after a consolidated hearing held pursuant to Section 61943, the director shall declare such plan in effect within 62 days from the date of such hearing.

CHAPTER 380*An act to amend Section 227c of, and to amend, repeal, and add Section 227b to, the Civil Code, relating to adoption.*

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 227b of the Civil Code is amended to read:

227b. If any child heretofore or hereafter adopted under the foregoing provisions of this code shows evidence of a mental deficiency or mental illness as a result of conditions prior to the adoption to such an extent that the child cannot be relinquished to an adoption agency on the grounds that the child is considered unadoptable, and of which conditions the adopting parents or parent had no knowledge or notice prior to the entry of the decree of adoption, a petition setting forth such facts may be filed by the adopting parents or parent with the court which granted the petition for adoption. If such facts are proved to the satisfaction of the court, it may make an order setting aside the decree of adoption.

The petition must be filed within whichever is the later of the following time limits: (a) Within five years after the entering of the decree of adoption, or (b) within one year after the effective date hereof, if such a condition were manifest in the child within five years after the entering of the decree of adoption.

In every action brought under this section it shall be the duty of the clerk of the superior court of the county wherein the action is brought to immediately notify the State Department of Social Welfare of such action. Within 60 days after such notice the State Department of Social Welfare shall file a full report with the court and shall appear before the court for the purpose of representing the adopted child.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 1.5. Section 227b is added to the Civil Code, to read:

227b. If any child heretofore or hereafter adopted under the foregoing provisions of this code shows evidence of a mental deficiency or mental illness as a result of conditions prior to the adoption to such an extent that the child cannot be relinquished to an adoption agency on the grounds that the child is considered unadoptable, and of which conditions the adopting parents or parent had no knowledge or notice prior to the entry of the decree of adoption, a petition setting forth such facts may be filed by the adopting parents or parent with the court which granted the petition for adoption. If such facts are proved to the satisfaction of the court, it may make an order setting aside the decree of adoption.

The petition must be filed within whichever is the later of the following time limits: (a) within five years after the entering of the decree of adoption, or (b) within one year after the effective date hereof, if such a condition were manifest in the child within five years after the entering of the decree of adoption.

In every action brought under this section it shall be the duty of the clerk of the superior court of the county wherein the action is brought to immediately notify the State Department of Health of such action. Within 60 days after such notice the State Department of Health shall file a full report with the court and shall appear before the court for the purpose of representing the adopted child.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 2. Section 227c of the Civil Code is amended to read:

227c. Whenever the decree of adoption of any child shall have been set aside as provided in Section 227b, the court making the order shall direct the district attorney or the county counsel or the county department of social welfare, to take appropriate proceedings under the Welfare and Institutions Code. The court may also make such order relative to the care, custody, or confinement of the child pending the proceedings as it sees fit.

The county in which the proceedings for adoption were had shall be and remain liable for the support of the child until he is able to support himself.

SEC. 3. It is the intent of the Legislature that if Reorganization Plan No. 1 of 1970 becomes operative, Section 227b of the Civil Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that

date Section 227b of the Civil Code as added by Section 1.5 of this act, which includes the changes in Section 227b made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 381

An act to amend Sections 2620 of the Business and Professions Code, relating to physical therapy.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 2620 of the Business and Professions Code is amended to read:

2620. Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.

CHAPTER 382

An act to add Sections 6803.3 and 6902.055 to the Education Code, relating to special education.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 6803.3 is added to the Education Code, to read:

6803.3. Whenever any pupil is being evaluated for placement in a program conducted pursuant to this chapter by an admission committee established by a school district or county superintendent of schools, the parent or guardian of the pupil may have a physician, optometrist, psychologist, social worker, or teacher, whether

certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

SEC. 2. Section 6902.055 is added to the Education Code, to read:

6902.055. Whenever any pupil is being evaluated for placement in a program for mentally retarded pupils by an admission committee pursuant to Section 6902.05, the parent or guardian of the pupil may have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

CHAPTER 383

An act to amend Sections 5801, 5802, and 5981 of the Agricultural Code, relating to pest control.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 5801 of the Agricultural Code is amended to read:

5801. If the director, after investigation and hearing, determines that any kind or variety of plant is generally infected with a virus or mycoplasma-like disease that is dangerous or detrimental to the production of fruit, nut, or vine crops in this state, he may adopt regulations which prohibit or restrict the propagation by cuttings and the budding, grafting, or otherwise joining of tissue of such kind or variety of plant with any kind or variety of fruit or nut tree or vine.

SEC. 2. Section 5802 of the Agricultural Code is amended to read:

5802. If a source of any prohibited or restricted kind or variety of plant has been demonstrated to be free of dangerous or detrimental viruses or mycoplasma-like organisms, the director shall, in the regulation, permit use of such source.

SEC. 3. Section 5981 of the Agricultural Code is amended to read:

5981. As used in this article "Meyer lemon plant" does not include any Meyer lemon plant developed from bud lines that, in accordance with regulations of the director, are determined to be

free from infections of virus or mycoplasma-like diseases dangerous or detrimental to the production of commercial or ornamental citrus fruit or plants. With this exception "Meyer lemon plant" includes each of the following:

(a) Any plant which consists entirely or partly of Meyer lemon plant tissue.

(b) Any plant to which Meyer lemon plant tissue has been joined at any time by any method of grafting.

CHAPTER 384

An act to amend Section 65853 of the Government Code, relating to zoning.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 65853 of the Government Code is amended to read:

65853. A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.

When the legislative body has requested the planning commission to study and report upon a zoning ordinance or amendment which is within the scope of this section and the planning commission fails to act upon such request within a reasonable time, the legislative body may, by written notice, require the planning commission to render its report within 40 days. Upon receipt of the written notice the planning commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed zoning ordinance or amendment to a zoning ordinance.

CHAPTER 385

An act to amend Sections 5784.23 and 5784.24 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 5784.23 of the Public Resources Code is amended to read:

5784.23. If a structure or structures, or the acquisition of real or personal property, necessary for the district purposes reasonably requires an expenditure in excess of available funds of the district derived from ordinary taxation, or if the district board determines that it is in the best interests of the district, and the necessity therefor appears, to refund any indebtedness, or portion thereof, incurred pursuant to Section 5784.22, the district board may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election, nor shall the district incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

SEC. 2. Section 5784.24 of the Public Resources Code is amended to read:

5784.24. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 7 percent per annum, and the nature of the proposed structure or improvement or of the property to be acquired or of the indebtedness incurred pursuant to Section 5784.22, or portion thereof, proposed to be refunded, and such resolution shall be published as a notice of the election, in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

 CHAPTER 386
An act to amend Section 6502 of the Public Resources Code, relating to public lands.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 6502 of the Public Resources Code is amended to read:

6502. Any person, firm or corporation desiring to lease any of the lands owned by the state, or in which the state may have an interest, and which are under the jurisdiction of the commission, for any purpose not prohibited or otherwise provided for by law, may make application therefor to the commission, describing the lands sought to be leased by legal subdivisions, or, if such lands are unsurveyed, by metes and bounds or by such other method as the commission may prescribe. The application shall be accompanied by a filing fee of twenty-five dollars (\$25). No filing fee shall be required of the United States or any agency thereof, or of this state, its agencies or political subdivisions.

All applications to lease lands under this chapter shall be approved or rejected by the commission within 180 days after receipt thereof or within 90 days after completion of the environmental impact report required by Section 6371, whichever shall occur later. In no event shall an application be held more than 270 days after receipt without approval or rejection by the commission.

CHAPTER 387

An act to amend Sections 73562, 73563, 73563.2, 74222, 74223, and 74223.2 of the Government Code, relating to courts.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one chief municipal court clerk who shall receive a monthly salary at the rate specified in range 40A of the salary schedule provided in Section 73563.1.

SEC. 2. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 32A of the salary schedule provided in Section 73563.1.

Six municipal court clerks who shall receive a monthly salary at the rate specified in range 30A of the salary schedule provided in Section 73563.1.

Three legal process clerks who shall receive a monthly salary at the rate specified in range 26A of the salary schedule provided in Section 73563.1.

Ten typist-clerks II who shall receive a monthly salary at the rate

specified in range 25A of the salary schedule provided in Section 73563.1.

SEC. 3. Section 73563.2 of the Government Code is amended to read:

73563.2. Certain classes of positions prescribed in Article 7 (commencing with Section 73560) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Chief municipal court clerk
Senior municipal court clerk	Senior municipal court clerk I
Municipal court clerk	Municipal court clerk
Legal process clerk	Legal process clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Monterey-Carmel Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

SEC. 4. Section 74222 of the Government Code is amended to read:

74222. There shall be one chief municipal court clerk who shall

receive a monthly salary at the rate specified in range 40A of the salary schedule provided in Section 74223.1.

SEC. 5. Section 74223 of the Government Code is amended to read:

74223. The chief municipal court clerk may appoint:

One senior municipal court clerk who shall receive a monthly salary at the rate specified in range 32A of the salary schedule provided in Section 74223.1.

Five municipal court clerks who shall receive a monthly salary at the rate specified in range 30A of the salary schedule provided in Section 74223.1.

One senior typist-clerk who shall receive a monthly salary at the rate specified in range 27A of the salary schedule provided in Section 74223.1.

Three legal process clerks who shall receive a monthly salary at the rate specified in range 26A of the salary schedule provided in Section 74223.1.

Eight typist-clerks II who shall receive a monthly salary at the rate specified in range 25A of the salary schedule provided in Section 74223.1.

SEC. 6. Section 74223.2 of the Government Code is amended to read:

74223.2. Certain classes of positions prescribed in Article 22 (commencing with Section 74220) of Chapter 10, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Salinas Municipal Court District and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent number of ranges in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary range number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary range number.

Table of Positions

Court classification	County classification
Chief municipal court clerk	Chief municipal court clerk
Senior municipal court clerk	Senior municipal court clerk I
Municipal court clerk	Municipal court clerk
Senior typist-clerk	Senior typist-clerk
Legal process clerk	Legal process clerk
Typist-clerk II	Typist-clerk II

Salary adjustments made pursuant to this section shall be effective only until the 61st day after the adjournment of the next succeeding regular session of the Legislature.

Attachés of the Salinas Municipal Court district shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification.

CHAPTER 388

An act to amend Section 11512 of the Insurance Code, relating to insurance.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 11512 of the Insurance Code is amended to read:

11512. No hospital service contract shall be entered into between a corporation proposing to furnish or provide any one or more of the services authorized under this chapter and a subscriber:

(a) Unless the entire consideration therefor is expressed in the contract;

(b) Unless the times at which the benefits or services to the subscriber take effect and terminate are stated in a portion of the contract above the evidence of its execution;

(c) If the contract purports to entitle more than one person to benefits or services except family hospital service contracts issued under Section 11512.1, group hospital service contracts issued under Section 11512.2 and blanket contracts issued under Section 11512.4;

(d) Unless every printed portion and any endorsement or attached papers is plainly printed in type of which the face is not smaller than 10 points;

(e) Except for group hospital service contracts and blanket contracts issued under Section 11512.2, unless the exceptions of the contract are printed with greater prominence than the benefits to which they apply;

(f) Except for group hospital service contracts and blanket contracts issued under Section 11512.2, unless, if any portion of such contract purports, by reason of the circumstances under which an illness, injury or disablement is incurred to reduce any service to less than that provided for the same illness, injury or disablement incurred under ordinary circumstances, such portion is printed in boldface type and with greater prominence than any other text of the contract;

(g) If the contract contains any provisions purporting to make any portion of the charter, constitution or bylaws of such nonprofit corporation a part of the contract unless such portion is set forth in full in the contract;

(h) Unless such contract for hospital service contains in blackface type not less than 10-point the following provisions:

Nothing in this contract contained shall in any way or manner restrict or interfere with the right of any individual entitled to hospital service and care hereunder to select the contracting hospital or to make a free choice of his attending physician, who shall be the holder of a valid and unrevoked physician and surgeon's certificate and who is a member of, or acceptable to, the attending staff and board of directors of the hospital in which said hospital services are to be provided and rendered;

(i) If such contract contains coverage for sterilization operations or procedures and it imposes any disclaimer, restriction on, or limitation of coverage relative to the insured's reason for sterilization. All such contracts entered into or renewed on or after the effective date of the amendments to this section enacted at the 1972 Regular Session shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

CHAPTER 389

An act to add Section 34302.3 to the Government Code, relating to incorporation of cities.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 34302.3 is added to the Government Code, to read:

34302.3. No tidelands or submerged lands which are owned by the state or by its grantees in trust shall be incorporated into a city except such lands as may be approved by the State Lands Commission.

If any such tidelands or submerged lands shall be included within

the boundaries of any territory proposed to be incorporated into a city, a description of such boundaries, together with a map showing such boundaries, shall be filed with the State Lands Commission. Such filing shall be made prior to filing or taking action under Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. The State Lands Commission shall approve or disapprove all portions of the boundaries of the proposed city which are located upon such tidelands or submerged lands. In making such determination, the commission shall, where feasible and appropriate, require the boundaries of the proposed city to be at right angles to the general direction of the shoreline at each point of intersection of the shoreline with such proposed land boundaries; provided however, that in the interest of insuring an orderly and equitable pattern of offshore boundaries, it may establish such other angle and such other courses for each such offshore boundary as it may deem necessary considering any irregularity of the shoreline, other geographical features, the uplands included within the boundaries of the proposed city and of adjoining territory, and the existing and potential boundaries of existing cities and of unincorporated communities.

Within 45 days after the filing of the boundary description and map with the State Lands Commission, such commission shall make a determination of the proper offshore or submerged lands boundaries. Such determination shall be final and conclusive. Failure of the commission to report within such time shall be deemed approval of the proposed offshore or submerged lands boundaries.

The costs incurred by the State Lands Commission in connection with making such determination shall be paid by the county in which the territory proposed to be incorporated is located if the incorporation does not occur, and otherwise by the newly incorporated city.

The State Lands Commission shall report its determination to the county in which the territory proposed to be incorporated is located, to such other person or persons, if any, as shall have filed such boundary description and map, and to the executive officer of the local agency formation commission of the county in which the territory is located. Thereafter, filings and action may be taken pursuant to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5. Pursuant to such Chapter 6.6, the local agency formation commission may review and make determinations as to all portions of the boundaries of the proposed city, other than such offshore or submerged lands boundaries.

For purposes of this section, submerged lands include but are not limited to lands underlying navigable waters irrespective of whether or not such waters are subject to tidal influences.

CHAPTER 390

*An act to amend Section 200 of the Code of Civil Procedure,
relating to jurors.*

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the

preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence;

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee; or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

SEC. 2. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence;

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee; or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 924 are both chaptered and amend Section 200 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 924, that the amendments to Section 200 proposed by both bills be given effect and incorporated in Section 200 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 924 are both chaptered, both amend Section 200, and Senate Bill No. 924 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 391

An act to amend Section 2845 of the Civil Code and to add Section 1058a to the Code of Civil Procedure, relating to undertakings and bonds.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 2845 of the Civil Code is amended to read: 2845. A surety may require his creditor, subject to the provisions of Section 1058a of the Code of Civil Procedure, to proceed against the principal, or to pursue any other remedy in his power which the surety cannot himself pursue, and which would lighten his burden; and if in such case the creditor neglects to do so, the surety is exonerated to the extent to which he is thereby prejudiced.

SEC. 2. Section 1058a is added to the Code of Civil Procedure, to read:

1058a. Whenever any security is given in the form of a bond or undertaking, other than a bond or undertaking of a public officer or fiduciary, in any action or proceeding, each surety submits himself to the jurisdiction of the court in all matters affecting his liability on the bond or undertaking. Such bond or undertaking shall state the address at which the surety may be served with notices and papers authorized by this section. The liability of such surety or sureties, if any, may be enforced on motion filed in the trial court without the necessity of an independent action. Such motion shall not be filed until entry of the final judgment in the action or proceeding for which the bond or undertaking is given and the time for appeal has expired. Notice of the motion shall be served on the persons whose liability is sought to be enforced at least 30 days prior to the time set for hearing of the motion. The notice shall state the amount of the claim and shall be supported by an affidavit or affidavits setting forth the facts on which the claim is based. Such notice and affidavit may be served in accordance with any procedure authorized by Chapter 5 (commencing with Section 1010), Title 14, Part 2. Judgment may be entered in accordance with the notice against the person or persons served therewith, unless such person or persons shall serve and file an affidavit or affidavits in opposition to the motion showing such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. If such showing is made, the issues to be tried shall be specified by the court and trial thereof shall be set for the earliest date convenient to the court, allowing sufficient time for discovery. The surety shall not obtain a stay of the proceedings pending the determination of any third-party claims. Affidavits filed pursuant to this section shall conform to the standards prescribed for affidavits filed pursuant to Section 437c.

CHAPTER 392

An act to add Article 11 (commencing with Section 28060) to Chapter 5 of Division 12 of the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Article 11 (commencing with Section 28060) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 11. Fire Extinguishers

28060. (a) No person shall sell or offer for sale a new recreational vehicle or new camper which is equipped with cooking equipment or heating equipment, and no dealer or person holding a retail seller's permit shall sell or offer for sale a used recreational vehicle or a used camper which is equipped with cooking or heating equipment, unless such new or used vehicle or new or used camper is equipped with at least one fire extinguisher, filled and ready for use, of the dry chemical or carbon dioxide type with an aggregate rating of at least 4-B:C units, which meets the requirements specified in Section 13162 of the Health and Safety Code.

(b) The operator of a recreational vehicle, or a vehicle to which a camper is attached, which recreational vehicle or camper is equipped with a fire extinguisher as required by subdivision (a), shall carry such fire extinguisher in such recreational vehicle or camper and shall maintain the fire extinguisher in an efficient operating condition.

(c) As used in this section:

(1) "Cooking equipment" means a device designed for cooking which utilizes combustible material, including, but not limited to, materials such as charcoal or any flammable gas or liquid, and "heating equipment" means a device designed for heating which utilizes combustible material, including, but not limited to, materials such as charcoal or any flammable gas or liquid.

(2) "Recreational vehicle" has the same meaning as defined in Section 18010.5 of the Health and Safety Code.

CHAPTER 393

An act to amend Section 1330 of, and to add Section 1331.5 to, the Penal Code, relating to criminal procedure.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 1330 of the Penal Code is amended to read:

1330. No person is obliged to attend as a witness before a court or magistrate out of the county where the witness resides, or is served with the subpoena, unless the distance be less than 150 miles from his place of residence to the place of trial, or unless the judge of the court in which the offense is triable, or a justice of the Supreme Court, or a judge of a superior court, or, in the case of a minor concerning whom a petition has been filed pursuant to Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, by the judge of the juvenile court hearing the petition, upon an affidavit of the district attorney or prosecutor, or of the defendant, or his counsel, or in the case involving a minor in whose behalf a petition has been filed in the juvenile court, of the probation officer approving the filing of such petition or of any party to such action, or his counsel, stating that he believes the evidence of the witness is material, and his attendance at the examination, trial, or hearing is material and necessary, shall endorse on the subpoena an order for the attendance of the witness.

When a subpoena duces tecum is duly issued according to any other provision of law and is served upon a custodian of records or other qualified witness as provided in Article 4 (commencing with Section 1560) of Chapter 2 of Division 11 of the Evidence Code, and his personal attendance is not required by the terms of the subpoena, the limitations of this section shall not apply.

SEC. 2. Section 1331.5 is added to the Penal Code, to read:

1331.5. Any person who is subpoenaed to appear at a session of court, or at the trial of an issue therein, may, in lieu of appearance at the time specified in the subpoena, agree with the party at whose request the subpoena was issued, to appear at another time or upon such notice as may be agreed upon. Any failure to appear pursuant to such agreement may be punished as a contempt, and a subpoena shall so state. The facts establishing such agreement and the failure to appear may be shown by the affidavit of any person having personal knowledge of the facts and the court may grant such continuance as may be appropriate.

CHAPTER 394

An act to amend Section 6107 of the Commercial Code, relating to bulk transfers.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 6107 of the Commercial Code is amended to read:

6107. (1) The notice to creditors (Section 6105) shall state:

- (a) That a bulk transfer is about to be made; and
- (b) The names and business addresses of the transferor and, except in the case of a sale at auction, the transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and
- (c) The location and general description of the property to be transferred; and
- (d) The place, and the date on or after which, the bulk transfer is to be consummated.

(2) The notice shall be

- (a) Recorded in the office of the county recorder in the county or counties in which the property to be transferred is located at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced; and
- (b) Published at least once in a newspaper of general circulation published in the judicial district in which the property is located, if there is one, and if there is none, then in a newspaper of general circulation in the county embracing such judicial district, at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced; and
- (c) Sent by registered or certified mail at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced to the county tax collector in the county or counties in which the property to be transferred is located.

CHAPTER 395

An act to amend Section 2 of Chapter 1423 of the Statutes of 1971, relating to financial support for the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 2 of Chapter 1423 of the Statutes of 1971 is amended to read:

Sec. 2. For purposes of determining eligibility for apportionments of funds appropriated in Item 270 of the Budget Act of 1971 (Chapter 266 of the Statutes of 1971), and more particularly, in determining the average daily attendance in school districts for which equalization aid was computed, the Superintendent of Public Instruction shall compute the same by considering solely individual school district wealth, disregarding the effects of the areawide school support mechanism, and as though no areawide school support programs were in operation anywhere in the state; except that school districts which receive equalization aid only because of the operation of the areawide school support mechanism shall likewise be eligible.

In the event that this act does not become effective in the 1971-72 fiscal year, the districts affected shall nevertheless be apportioned in the subsequent fiscal year the amount they should have received in the 1971-72 fiscal year under the provisions of this act. The Superintendent of Public Instruction shall compute the amount the affected districts should have received had they been included in sharing the funds from Item 270 of the Budget Act of 1971, as modified by this act, and the districts shall be apportioned that amount from the appropriation for the same purpose in the Budget Act of 1972; and in the event there is no similar appropriation in the Budget Act of 1972, the districts shall be apportioned that amount as a correction pursuant to Section 17414 of the Education Code.

SEC. 2. For purposes of determining eligibility for apportionments of funds appropriated in Item 268 of the Budget Act of 1972, and more particularly, in determining the average daily attendance in school districts for which equalization aid was computed, the Superintendent of Public Instruction shall compute the same by considering solely individual school district wealth, disregarding the effects of the areawide school support mechanism, and as though no areawide school support programs were in operation anywhere in the state.

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

Section 2 of Chapter 1423 of the Statutes of 1971 will, unless

amended, exclude certain school districts from the additional equalization aid for cost increases due to inflation prescribed by Item 270 of the Budget Act of 1971, which these school districts had budgeted for use during the 1971-1972 fiscal year. In order to prevent this unfortunate result, and to facilitate the orderly administration of the school finance system during the current fiscal year, it is necessary that this act take effect immediately.

Further, in order to equitably apportion additional equalization aid for cost increases due to inflation, appropriated by Item 268 of the Budget Act of 1972, it is necessary that this act take effect immediately.

CHAPTER 396

An act to amend Section 1563 of the Evidence Code, relating to evidence.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 1563 of the Evidence Code is amended to read:

1563. (a) This article shall not be interpreted to require tender or payment of more than one witness fee and one mileage fee or other charge unless there is an agreement to the contrary.

(b) Where the business records described in a subpoena issued pursuant to Section 1560 are patient records of a public or licensed hospital or of a physician and surgeon, osteopath, or dentist licensed to practice in this state, or a group of such practitioners, and the personal attendance of the custodian of such records or other qualified witness is not required, the sole fee for complying with such subpoena is twelve dollars (\$12).

(c) When the personal attendance of the custodian of a record or other qualified witness is required pursuant to Section 1564, he shall be entitled to 20 cents (\$.20) a mile for mileage actually traveled, one way only, and to twelve dollars (\$12) for each day of actual attendance.

CHAPTER 397

An act to amend Section 10110 of, and to add Section 10110.1 to, the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor July 17, 1972. Filed with Secretary of State July 17, 1972.]

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

SECTION 1. Section 10110 of the Streets and Highways Code is amended to read:

10110. Before the ordering of the work, acquisitions or improvements which are to be owned, managed or controlled by any other public agency, or regulated public utility, the legislative body shall enter into an agreement with the public agency or utility which has, or may have, charge of the works, appliances, or improvements. Among other things such agreement may provide for any or all of the following:

(a) For the supplying by the public agency or utility of plans and specifications in accordance with the provisions of Chapter 5 (commencing at Section 5170) of Part 3 of Division 7 of this code.

(b) For the performance of work or service by the public agency or utility, and the payment to the public agency or utility out of the improvement fund for such work or service. Any agreement providing for the performance of work by a public utility may provide for the posting of labor, material and performance bonds in accordance with Chapter 6 (commencing with Section 10500) of this division.

(c) For the acquisition by the legislative body of works or appliances already installed and for the conveyance of said works or appliances to the public agency or utility. The owner of such works or appliances may be a party to the agreement.

(d) That the agreement shall become effective after proceedings have been taken pursuant to this division and the funds are available to carry out all the terms thereof. Whenever it is proposed to annex to the public agency the territory in which the installation or acquisition is contemplated, proceedings may be taken up to and including the confirmation of the assessment as provided for in Section 10312 prior to the commencement of the annexation proceedings. If the annexation is successful, the assessment shall be recorded and such other proceedings taken as may enable the parties to comply with the terms of the agreement. If the annexation proceedings fail, further proceedings under the resolution of intention are barred.

Any agreement entered into pursuant to this section, to the extent that utilities have been financed by special assessments, shall provide that no main extension refund agreement shall be entered into with a developer.

SEC. 2. Section 10110.1 is added to the Streets and Highways Code, to read:

10110.1. In the event that an agreement entered into pursuant to Sections 10109 and 10110 provides for the payment of refunds, and to the extent that the works, appliances, or improvements to which such refund payments are applicable are financed by special assessments, any amounts paid by the public agency or utility as a refund payment for such works, appliances, or improvements to be transferred to the public agency or utility under any such agreement shall be deposited into a special fund to be established and administered by the city treasurer and applied as a credit upon the assessment and supplemental assessment, if any, in the same manner as provided in Section 10427.1. Such credits shall be applied only to the assessments levied for the particular improvements for which such refund is made. Any such amounts shall be transferred to the general fund of the city if:

(a) Such amounts are paid later than four years from the date of recordation of the assessment and any supplemental assessment, or

(b) In the event bonds have been issued, such amounts have been paid later than four years after the due date of the last installment upon such bonds, or of the last principal coupons attached thereto.

CHAPTER 398

An act to amend Section 986 of the Military and Veterans Code, relating to veterans.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 986 of the Military and Veterans Code is amended to read:

986. The department shall prescribe and determine the qualifications of all veterans. Any person deeming himself a veteran and desiring to benefit hereunder, shall submit to the department information, in such form as the department prescribes, which will enable the department to determine his eligibility and qualifications. The department may make further inquiries and investigations in order to determine such eligibility and qualifications. Veterans who are otherwise qualified and who were wounded or disabled as a result of their service shall be given first preference in the benefits conferred by this article. The department shall determine, in each case, whether or not the veteran was wounded or disabled as a result of service.

Veterans discharged or released from active duty within 10 years of their application to the department shall be given second preference in the benefits conferred by this article.

CHAPTER 399

An act to amend Sections 907 and 951 of the Streets and Highways Code, relating to county highways.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 907 of the Streets and Highways Code is amended to read:

907. Any owner or occupant of land may construct a sidewalk on the county highway along the line of his land, subject to the authority conferred by law on the board of supervisors.

SEC. 2. Section 951 of the Streets and Highways Code is amended to read:

951. (a) Such board may set apart on any county highway a strip of land for a side path, and make an order designating the width of such path, and cause the lines separating the path from the highway to be located and marked by stakes, posts, curbs, dikes, trees, or other physical delineations, placed at such distances apart as the board considers proper.

(b) After a path is set apart, and the lines separating it from the highway are located and marked, as provided in subdivision (a) of this section, the use of such path is restricted to pedestrians, riders of horses, and riders of vehicles propelled solely by the power of the rider.

(c) The board may charge the expense of erecting and maintaining such path to the county general fund, the road fund, or the district fund of any district benefited.

CHAPTER 400

An act to amend Section 6254.7 of the Government Code, relating to public records.

[Approved by Governor July 17, 1972. Filed with
Secretary of State July 17, 1972.]

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

SECTION 1. Section 6254.7 of the Government Code as amended by Chapter 1601 of the Statutes of 1971 is amended to read:

6254.7. (a) All information, analyses, plans, or specifications that

disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to such notices and orders, are public records.

(d) Trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

CHAPTER 401

An act to amend Section 16554 of the Education Code, relating to school property.

[Approved by Governor July 18, 1972. Filed with
Secretary of State July 18, 1972.]

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

SECTION 1. Section 16554 of the Education Code is amended to read:

16554. No privilege of using the buildings or grounds shall be granted for a period exceeding five years in the case of a school district maintaining a community college or one year in the case of all other school districts. The privilege is renewable and revocable in the discretion of the board at any time.

CHAPTER 402

An act to amend Section 6353 of the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.

[Approved by Governor July 18, 1972. Filed with
Secretary of State July 18, 1972.]

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

SECTION 1. Section 6353 of the Revenue and Taxation Code is amended to read:

6353. There are exempted from the taxes imposed by this part the gross receipts from the sales, furnishing, or service of and the storage, use, or other consumption in this state of gas, electricity, and water when delivered to consumers through mains, lines, or pipes, and water when sold to an individual in bulk quantities of 50 gallons or more for general household use in his residence if the residence is located in an area not serviced by mains, lines or pipes.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, however, it shall become operative on the first day of the first calendar quarter succeeding enactment.

CHAPTER 403

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

[Approved by Governor July 18, 1972. Filed with
Secretary of State July 18, 1972.]

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

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

5652. It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

The abandonment of any motor vehicle in any manner which violates the provision of this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with the provisions of Section 5900 of the Vehicle Code, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. This section shall not prohibit the

placement of a vehicle body on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank.

This section does not apply to a refuse disposal site which is authorized by the appropriate local agency having jurisdiction or to the depositing of such materials in a container from which the materials are routinely removed to a legal point of disposal.

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

CHAPTER 404

An act to amend Section 34898 of the Government Code, relating to cities.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 34898 of the Government Code, as added by Chapter 707, Statutes of 1971, is amended to read:

34898. If the members of the governing body of a chartered city are nominated or elected "by districts" or "from districts," as defined in Section 34871, such districts shall be of equal population according to the latest federal decennial census.

CHAPTER 405

An act to amend Sections 7332, 7342, 7351 and 7420 of, and to add Section 7402 to, the Business and Professions Code, relating to cosmetology.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 7332 of the Business and Professions Code is amended to read:

7332. The board shall admit to examination for a certificate of registration and license as a cosmetologist any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

- (a) Who is not less than 17 years of age.
- (b) Who is of good moral character and temperate habits.
- (c) Who has completed the 10th grade in the public schools of this

state or its equivalent.

(d) Who has had any one of the following:

(1) Training of at least 1,600 hours, in a school of cosmetology approved by the board.

(2) Practice of the occupation of a cosmetologist, for a period of four years outside of this state. Each three months of such practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1) of this subdivision.

(3) Service for at least two years as a licensed junior operator in a licensed cosmetological establishment in which all of the occupations of a cosmetologist are practiced.

SEC. 2. Section 7342 of the Business and Professions Code is amended to read:

7342. The board shall admit to examination for a certificate of registration and license as an electrologist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 17 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the 12th grade, or an accredited senior high school, in public schools of this state or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of 500 hours in a licensed school in which the practice is taught.

(2) Instruction, training and practice as a junior electrologist for a period of not less than 12 months, in a licensed cosmetological establishment, under a licensed electrologist.

(3) Holds a valid electrology license issued by a state whose licensing requirements are equal to or greater than California.

(4) Either training or practice, or a combination of training and practice, outside of this state in electrology for such period as may be specified by rules of the board.

SEC. 3. Section 7351 of the Business and Professions Code is amended to read:

7351. The board shall admit to examination for a certificate of registration and license as a manicurist, any person who has made application to the board in proper form, paid the fee required by this chapter, and who is qualified as follows:

(a) Who is not less than 17 years of age.

(b) Who is of good moral character and temperate habits.

(c) Who has completed the 10th grade in the public schools of this state or its equivalent.

(d) Who has had any one of the following:

(1) Practical training of at least 350 hours in a licensed school in which the practice is taught.

(2) Practice in manicuring for a period of one year outside of this state.

SEC. 3.5. Section 7402 is added to the Business and Professions Code, to read:

7402. (a) On and after the effective date of this section no school of cosmetology shall enroll any person as a student who is not at least 16 years of age.

(b) Nothing in this section shall prohibit a student under the age of 16 who was enrolled in a school of cosmetology prior to the effective date of this section from continuing as a student in such school of cosmetology.

SEC. 4. Section 7420 of the Business and Professions Code is amended to read:

7420. Upon application to the board in the form provided for the particular class of license applied for, accompanied by the required fee, a person registered as a cosmetologist, electrologist or manicurist under the laws of another state shall, if he satisfactorily passes the examination required therefor, be granted a certificate of registration and license to practice the occupation or occupations in this state not of greater scope than the occupation or occupations for which the applicant was previously registered in the other state, upon the following conditions:

- (a) That he is not less than 17 years of age.
- (b) That he is of good moral character and temperate habits.
- (c) That the requirements for registration or licensing of cosmetologists, electrologists and manicurists, in the particular state were, at the date of the previous registration or licensing, substantially equal to the requirements therefor then in force in this state.

Any person who fails to qualify for admission to the examination because his study or training does not fulfill the requirements of subdivision (c) shall receive credit for the number of hours of study and training successfully completed in the particular state where he is registered, and he shall be qualified for the examination upon completion of such supplementary study and training in a licensed school in this state as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in a licensed school in this state only. For the purposes of this subdivision, each three months of practice of the occupation or occupations outside of this state shall be deemed the equivalent of 100 hours of study and training required in order to qualify for a license for that occupation or occupations.

CHAPTER 406

An act to add Section 25274 to the Vehicle Code, relating to vehicles.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 25274 is added to the Vehicle Code, to read:
25274. Any vehicle owned by a cable television company and operated by employees, or duly authorized representatives, of a cable television company, when actually engaged in the construction, removal, maintenance or inspection of cable television facilities, including but not limited to, the cutting or trimming of trees immediately adjacent thereto, may display flashing amber warning lights to the front, sides, or rear when necessarily parked on a highway or when moving at a speed slower than the normal flow of traffic.

For the purposes of this section, "cable television company" means any person engaged in the business of transmitting television programs by cable to subscribers for a fee.

CHAPTER 407

An act to add Section 403 to, and to repeal Section 403 of, the Probate Code, relating to executors of estates.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 403 of the Probate Code is repealed.

SEC. 2. Section 403 is added to the Probate Code, to read:

403. The testator may, by his will, confer upon one or more persons the power to designate an executor or coexecutor or successor executor or coexecutor and may provide that the person or persons so designated may serve without bond. The designation shall be in writing and filed with the court. Unless the will provides otherwise, if there are two or more holders of the power to designate, the designation shall be unanimous, unless one of the designators is unable or unwilling to act, in which case the remaining designator or designators may nominate an executor or coexecutor or successor executor or coexecutor. Except as provided in this section, an executor does not have authority to appoint an executor or coexecutor or successor executor or coexecutor.

CHAPTER 408

An act to amend Section 16402 of the Education Code relating to school district property.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 16402 of the Education Code is amended to read:

16402. (a) If the board, by a unanimous vote of those members present, finds that the property does not exceed in value the sum of the five hundred dollars (\$500) it may be sold at private sale without advertising, by any member or employee of the board empowered for that purpose by the majority vote of the board.

(b) If the board, by a unanimous vote of those members present, finds that the property is of insufficient value to defray the costs of arranging a sale, it may be disposed of in the local public dump on order of any member or employee of the board empowered for that purpose by the majority vote of the board.

CHAPTER 409

An act to amend Sections 4080 and 4085 of, and to repeal Section 4081 of, the Elections Code, and to amend Sections 34452, 34460 and 34462 of the Government Code, relating to city charters.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 4080 of the Elections Code is amended to read:

4080. This article is applicable only to amendments to freeholders' charters adopted pursuant to Section 3 of Article XI of the Constitution and Chapter 3 of Division 2 of Title 4, commencing at Section 34450 of the Government Code.

SEC. 2. Section 4081 of the Elections Code is repealed.

SEC. 3. Section 4085 of the Elections Code is amended to read: 4085. The petition shall be in substantially the following form:

Petition for Submission to Electors of Proposed Amendment to the Charter of the City (or City and County) of _____

To the city council (or other legislative body) of the City (or City and County) of _____:

We, the undersigned, registered and qualified electors of the State of California, residents of the City (or City and County) of _____, Pursuant to Section 3 of Article XI of the Constitution of this State and Chapter 3 of Division 2 of Title 4, commencing at Section 34450 of the Government Code, present to the City Council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified electors of the city (or city and county) for their adoption or rejection at an election on a date to be determined by the City Council (or other legislative body).

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) _____ (etc.)
(Signed)

Name of signer	Residence	Date
.....
.....
.....

SEC. 4. Section 34452 of the Government Code is amended to read:

34452. An election for choosing charter commissioners may be called by a majority vote of the governing body of a city or city and county, or on presentation of a petition signed by not less than 15 percent of the registered electors of such city or city and county. Any such petition shall be verified by the authority having charge of the registration records of the city or city and county and the expenses of such verification shall be provided by the governing body thereof. The governing body shall call such election not less than 75 nor more than 90 days from the date of its vote or the date of verification of the petition.

SEC. 5. Section 34460 of the Government Code is amended to read:

34460. Petitions for the submission of any amendment or petitions for the repeal of a charter shall be filed with the governing body of the city or city and county not less than 90 days prior to a statewide general election and not more than one year after the date of the first signature affixed thereon. The signatures on such petitions shall be verified by the authority having charge of the registration records of the city or city and county, and the expenses of such verification shall be provided by the governing body thereof.

SEC. 6. Section 34462 of the Government Code is amended to read:

34462. The percentages of the registered electors required for the election of charter commissioners or the submission of amendments to charters or the proposal for charter repeal shall be calculated upon the total vote cast for all candidates for Governor in the city or city and county at the last preceding general state election

at which a Governor was elected. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this chapter.

CHAPTER 410

An act to amend Section 13143.6 of the Health and Safety Code, relating to fire safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1972. Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 13143.6 of the Health and Safety Code is amended to read:

13143.6. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. Occupancies within the meaning of this section shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to those commonly referred to as "certified family care homes," "out-of-home placement facilities," and "halfway houses." Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum standards shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used.

Any building or structure within the scope of this section used or intended to be used for the housing of more than six nonambulatory persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. "Nonambulatory person," as used in this section shall include, but is not limited to, any profoundly or severely mentally retarded, totally deaf, or blind person.

The ambulatory or nonambulatory status of any mentally retarded person within the scope of this section shall be determined by the Director of Public Health.

Any building or structure within the scope of this section used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion other than heat.

In adopting regulations pursuant to this section, the State Fire Marshal shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to the effective date of this section.

In preparing and adopting regulations pursuant to this section, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state.

No governmental agency shall refer any person to, or cause their placement in, any home or institution subject to this section without first obtaining verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146.

When a building or structure within the scope of this section is used to house either ambulatory or nonambulatory persons, or both, and an automatic fire sprinkler system, approved by the State Fire Marshal, is installed, this section shall not be construed to also require the installation of an automatic fire alarm system.

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

As Section 13143.6 of the Health and Safety Code now reads, if a building houses over six nonambulatory occupants, it must be equipped with a sprinkler system; if over six ambulatory occupants, it must be equipped with an automatic fire alarm system. If it houses both ambulatory and nonambulatory occupants it must be equipped with sprinklers and a fire alarm system.

These requirements place an unnecessarily heavy expense on the owners and operators of homes for the physically or mentally ill. The installation of either type of system is expensive, but necessary. The installation of both types of systems will make it financially unsound for persons to enter this business.

In order to eliminate as soon as possible the requirement that both types of systems be installed in any building or structure housing ambulatory as well as nonambulatory persons, it is necessary that this act take effect immediately.

CHAPTER 411

*An act to amend Section 19330.5 of the Government Code,
relating to the state civil service.*

[Approved by Governor July 19, 1972. Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 19330.5 of the Government Code is amended to read:

19330.5. The appointing power may grant to an employee under his jurisdiction who has permanent civil service status or a probationer who immediately preceding his appointment to his position held permanent civil service status in the same or some other class a leave of absence without pay for not to exceed two years for service in a technical cooperation program as a temporary employee of another governmental agency, a nonprofit organization, or a recognized college or university upon the request of such agency. Upon termination of such service, and for three months thereafter, such employee shall have the right to be restored to his former position.

CHAPTER 412

*An act to add Section 202.7 to the Revenue and Taxation Code,
relating to property taxation.*

[Approved by Governor July 19, 1972. Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 202.7 is added to the Revenue and Taxation Code, to read:

202.7. Personal property owned or used by student governments of the University of California is deemed property belonging to this state and shall be exempt from taxation.

CHAPTER 413

An act to amend Section 61800 of the Government Code, the heading of Article 1 (commencing with Section 17301) of Chapter 8 of Division 7 and Section 17301 of, the Public Utilities Code, relating to annexations to districts.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 61800 of the Government Code is amended to read:

61800. Contiguous land or noncontiguous land not a part of the district which consists of any unincorporated territory may be annexed to the district. Contiguous land not a part of the district which consists of any incorporated territory may be annexed to the district with the consent of the affected city. The consent shall be by resolution of the city council adopted prior to the resolution of the district board of directors initiating annexation proceedings pursuant to Section 56310.

SEC. 1.5. The heading of Article 1 (commencing with Section 17301) of Chapter 8 of Division 7 of the Public Utilities Code is amended to read:

Article 1. Annexation of Unincorporated Territory

SEC. 2. Section 17301 of the Public Utilities Code is amended to read:

17301. Unincorporated territory contiguous or noncontiguous to a district may be annexed to the district in the manner provided in the District Reorganization Act of 1965 (commencing with Section 56000 of the Government Code).

CHAPTER 414

An act to add Section 811.5 to the Education Code, relating to county superintendents of schools.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 811.5 is added to the Education Code, to read:

811.5. The county superintendent of schools, with the approval of the county board of education, may enter into an agreement with a

nonpublic institution of higher education or the governing board of any nonpublic school to provide for the use by the institution or school of audiovisual curriculum materials, including equipment and apparatus, under the control of the county superintendent of schools, in the same manner as public schools pursuant to Section 811 except as otherwise provided in this section.

The agreement shall, among other matters, provide for the amount of the payment to be made by the nonpublic institution of higher education or the nonpublic school to the county superintendent of schools and the time payments shall be made. The payments made by the nonpublic institution of higher education or nonpublic school that has entered into an agreement with the county superintendent of schools under this section shall be equal to the cost incurred by the county superintendent of schools in connection with the handling of, and the loss, destruction or damage to the audiovisual curriculum materials, including equipment and apparatus, by the nonpublic institution of higher education or the nonpublic school.

The governing board of any nonpublic school may withdraw from an agreement by giving notice six months prior to the beginning of the next fiscal year, and the agreement shall terminate on the last day of the then current fiscal year. The terms of an agreement may be changed by mutual consent at any time.

All funds received for the purposes of this section shall be deposited in the special equipment and apparatus fund of the county superintendent of schools authorized by Section 811, and all expenditures made for the purposes of this section shall be made from that fund.

The audiovisual curriculum materials, including equipment and apparatus, shall be available for use by the nonpublic institution of higher education or the nonpublic school pursuant to this section only when such materials, including equipment and apparatus, are not needed by the public schools or the county superintendent of schools.

As used in this section, "nonpublic school" means a school that satisfies the requirements of Section 12154 and is exempt from taxation under Section 214 of the Revenue and Taxation Code.

CHAPTER 415

An act to amend Sections 54784, 65062 and 66180 of, and to add Article 11 (commencing with Section 50270) to Chapter 1 of Part 1 of Division 1 of Title 5 of, the Government Code, to amend Section 24351 of the Health and Safety Code, and to amend Section 28700 of the Public Utilities Code, relating to city selection committees.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Article 11 (commencing with Section 50270) is added to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 11. City Selection Committees

50270. Notwithstanding any other provision of law, the provisions of this article shall govern the appointment of local representatives by city selection committees to regional agencies, but shall not be construed to repeal existing requirements of law; to the extent of any inconsistencies between the provisions of this article and the provisions of any law establishing a regional agency, the provisions of law establishing the regional agency shall control.

50271. For the purposes of this article "city selection committee" means a committee created by statute which is composed of elected officials of cities within a county and which is charged with the duty of appointing representatives to regional agencies.

50272. For the purposes of this article "regional agency" means any public agency, public authority, public district, or any other local agency of the state which is administered by its own separate governing board, and the jurisdiction of which encompasses two or more cities or counties.

50273. Votes taken by a city selection committee for the purpose of appointing a representative to the governing body of a regional agency shall be recorded by the county clerk of the county in which the city selection committee is situated. The record of any such vote shall include the name of each member voting and how he voted.

SEC. 2. Section 54784 of the Government Code is amended to read:

54784. In each county containing two or more cities, there shall be a city selection committee consisting of the mayor of each city within such county, or, where there is no mayor, the chairman or president of the city legislative body. A majority of the members of each city selection committee shall constitute a quorum.

The city selection committee shall meet at the call of the local agency formation commission chairman, or at the request of 60

percent of the members of the city selection committee to fill vacancies in the commission.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself from participating in a meeting, or is automatically disqualified from participating therein pursuant to this section, the alternate member is authorized to serve and vote in his place for that meeting. When the commission is considering a proposal for the annexation of territory to a city of which one of the members of the commission is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place for such purpose. All votes taken by the city selection committee for the purpose of filling vacancies on, or selecting alternates to, the commission shall be recorded by the executive officer of the commission. The record of any such vote shall include the name of each member voting and how he voted.

When the mayor or the chairman or president of the city council is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

SEC. 2.5. Section 54784 of the Government Code is amended to read:

54784. In each county containing two or more cities, there shall be a city selection committee consisting of the mayor of each city within such county, or, where there is no mayor, the chairman or president of the city legislative body. A majority of the members of each city selection committee, representing a majority of the incorporated cities entitled to representation on the committee and also representing a majority of the aggregate population of the incorporated cities entitled to representation on the committee shall constitute a quorum. A quorum being present, a vote of a majority of the members present representing a majority of the incorporated cities which are represented by those members present and also representing a majority of the aggregate population of the incorporated cities which are represented by those members present, shall be necessary to take action. Notwithstanding any other provision of this section, in a county having a population of over 6,000,000, a majority of the members of the city selection committee shall be sufficient to constitute a quorum, and, a quorum being present, a vote of a majority of the members present shall be sufficient to take action.

At any meeting of a city selection committee, the executive officer of the commission shall determine whether a quorum of the selection committee is present and whether the vote requirements of this section have been complied with on any action taken by the committee. For purposes of this section, determinations regarding a quorum and the sufficiency of a vote shall be made on the basis of

populations or estimated populations contained in the most recent of any of the following: the last decennial federal census; any census of a city, taken as provided in Chapter 17 (commencing with Section 40200), Part 2, Division 3, Title 4; any census or population estimate of a city taken or made as provided in Sections 2107.1 and 2107.2, Streets and Highways Code; or population estimates contained in any official document prepared by the Department of Finance and issued to the public.

The city selection committee shall meet at the call of the local agency formation commission chairman, or at the request of 60 percent of the members of the city selection committee to fill vacancies in the commission.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself from participating in a meeting, or is automatically disqualified from participating therein pursuant to this section, the alternate member is authorized to serve and vote in his place for that meeting. When the commission is considering a proposal for the annexation of territory to a city of which one of the members of the commission is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place for such purpose. All votes taken by the city selection committee for the purpose of filling vacancies on, or selecting alternates to, the commission shall be recorded by the executive officer of the commission.

When the mayor or the chairman or president of the city council is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

SEC. 2.6. Section 65062 of the Government Code is amended to read:

65062. There shall be a separate and distinct city selection committee for each county in the district. The membership of such committees shall consist of the mayor of each city within such county within the district, or, where there is no mayor, the chairman or president of the city council. When the mayor or the chairman or president of the city council is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

SEC. 3. Section 66180 of the Government Code is amended to read:

66180. There shall be a separate and distinct city selection committee for each county in the state. The membership of such committees shall consist of the mayor of each city within such county or, where there is no mayor, the chairman or president of the city council.

When the mayor or the chairman or president of the city council

is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

SEC. 4. Section 24351 of the Health and Safety Code is amended to read:

24351. There shall be a separate and distinct city selection committee for each county in which the district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council.

When the mayor or the chairman or president of the city council is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

SEC. 5. Section 28700 of the Public Utilities Code is amended to read:

28700. There shall be a separate and distinct city selection committee for each county within the district. The membership of each such committee shall consist of the mayor of each incorporated city or town within such county, or, where there is no mayor, the chairman or president of the city council of each such city.

When the mayor or the chairman or president of the city council is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 340 are both chaptered and amend Section 54784 of the Government Code, and this bill is chaptered after Senate Bill No. 340, that the amendments to Section 54784 proposed by both bills be given effect and incorporated in Section 54784 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5 of this act shall become operative only if this bill and Senate Bill No. 340 are both chaptered, both amend Section 54784, and Senate Bill No. 340 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 416

An act to add Section 7.10 to, and to repeal Section 7.8 of, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1972. Filed with
Secretary of State July 19, 1972]

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

SECTION 1. Section 7.8 of the Ventura County Flood Control Act (Chapter 44 of Statutes of 1944, Second Extraordinary Session) is repealed.

SEC. 2. Section 7.10 is added to the Ventura County Flood Control Act (Chapter 44 of Statutes of 1944, Second Extraordinary Session), to read:

SEC. 7.10. (a) A specific object and purpose of this act is to provide for the recreational use and beautification of lands and properties in connection with the carrying out of and as a part of the broader flood control and water conservation objects and purposes of this act, to the end that the scenic beauty and natural environment of such lands is enhanced, protected, and preserved. To carry out such specific object and purpose, the district shall have, in addition to the other powers vested in it by this act, the following powers:

(1) To acquire, construct, maintain, operate, and install recreational facilities or landscaping within the district or any zone of the district in connection with any dam, reservoir, flood control, or storm drainage facility or work of improvement, or other property owned or controlled by the district, or in connection with any flood control or water conservation project in which the district participates in the cost of construction, operation, or maintenance thereof or in the cost of land acquisition therefor.

(2) Upon a finding of the board of supervisors that the acquisition is necessary to the full exercise of its power under the provisions of paragraph (1) of this subdivision, to acquire, by grant, purchase, gift, devise, lease, construction, condemnation, or otherwise, and to hold, use, enhance, protect, preserve, manage, occupy, possess, and enjoy any lands or interests in lands contiguous to any property owned or controlled by the district, or contiguous to any flood control or water conservation project in which the district participates in the cost of construction, operation, or maintenance thereof or in the cost of land acquisition therefor, for recreational use or beautification purposes. It is hereby declared that the use of lands or interests in lands which may be condemned, taken, or appropriated under the provisions of this paragraph is a public use subject to the regulation and control of the state in the manner prescribed by law.

(3) Upon a finding of the board of supervisors that any of the

facilities or properties acquired or held by the district pursuant to the provisions of this section are no longer necessary to be retained for the uses and purposes thereof, or upon a finding by the board of supervisors that provision will be made for the continued recreational use or beautification of such facilities or property by others, to provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use or beautification of such facilities or properties or for the leasing or disposal of such facilities or properties; provided, however, that no such agreement, lease, or disposal of any such facilities or property shall interfere or be inconsistent with any flood control or water conservation use or purpose of such facilities or properties or contiguous properties owned or controlled by the district.

(4) To exercise any of the powers vested in it by this act and to do all acts necessary for the full exercise of the powers vested in it by this section.

(b) Funds for exercise of the powers vested in the district by this section may be derived from ad valorem taxes or assessments levied pursuant to Section 12 of this act or fees and charges collected pursuant to Section 7.1 of this act. It is hereby declared that for the purposes of any tax or assessment levied under subdivision 2 of Section 12 of this act for recreational use or beautification purposes of special benefit to any zone of the district, the property so taxed or assessed is equally benefited. In regard to any flood control, water conservation, or storm drainage facility or work of improvement for which bonds are hereafter voted under the provisions of this act, the proceeds of such bonds may be used for recreational use or beautification purposes authorized by the provisions of this section. However, in connection with any flood control or water conservation project in which the district participates in whole or in part, in no event shall the district expend funds, regardless from what source or sources derived, for the acquisition, construction, or installation of any recreational facilities or landscaping or for the acquisition of lands or interests in lands for recreational use or beautification purposes, the total amount of which exceeds 10 percent of the costs of construction of such flood control or water conservation project.

(c) As used in this section, "recreation" means recreational activities associated with the out-of-doors, such as camping, picnicking, fishing, boating, sightseeing, hiking, and water contact sports and the associated facilities of campgrounds, riding and hiking trails, picnic areas, parking areas, boat launching ramps, view points, water supply and sanitary facilities, and such other facilities as may be necessary to make project land and water areas available for use by the public.

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

Because of the recent advent of federal and state legislation

concerned with environmental impact and the activities of persons and entities concerned with the enhancement, protection, and preservation of the scenic beauty and natural environment, the provisions of this act are urgently needed to permit the Ventura County Flood Control District to immediately insure minimum adverse effect of certain flood control projects on the existing and future environmental amenities in or contiguous to such flood control project areas and to enable the district to immediately proceed with or cause the orderly planning, designing, and installation of vital flood control improvements, including the major Santa Paula Creek flood control improvements, for the preservation of the public peace, health, and safety.

CHAPTER 417

An act to add Section 10251 to the Corporations Code, relating to nonprofit corporations.

[Approved by Governor July 19, 1972. Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 10251 is added to the Corporations Code, to read:

10251. (a) "Educational institution," as used in this section, means any nonprofit corporation organized under the provisions of Chapter 1 (commencing with Section 29001), Division 21, of the Education Code or under the provisions of Part 1 (commencing with Section 9000) or Part 3 (commencing with Section 10200) of this division for the purpose of establishing, conducting or maintaining an institution offering courses beyond high school and issuing or conferring a diploma or for the purpose of offering or conducting private school instruction on the high school or elementary school level and any charitable trust organized for such purpose or purposes. "Educational institution," as used in this section, also means the University of California, the state colleges, the state community colleges and any auxiliary organization, as defined in Section 24054.5 of the Education Code, established for the purpose of receiving gifts, property and funds to be used for the benefit of a state college.

(b) It shall be lawful for any educational institution to become a member of a nonprofit corporation incorporated under the laws of any state for the purpose of maintaining a common trust fund or similar common fund in which nonprofit organizations may commingle their funds and property for investment and to invest any and all of its funds, whenever and however acquired, in such common fund or funds; provided, that, in the case of funds or

property held as fiduciary, such investment is not prohibited by the wording of the will, deed or other instrument creating such fiduciary relationship.

(c) An educational institution electing to invest in a common fund or funds under the provisions of this section may elect to receive distributions from each such fund in an amount not to exceed for each fiscal year the greater of the income, as defined in Section 730.03 of the Civil Code, accrued on its interest in such fund or 10 percent of the value of its interest in such fund as of the last day of its next preceding fiscal year. The educational institution may expend such distribution or distributions for any lawful purpose notwithstanding the provisions of any general or special law characterizing such distribution, or any part thereof, as principal or income; provided, that, in the case of funds or property invested as fiduciary, such expenditure is not prohibited by the wording of the will, deed or other instrument creating such fiduciary relationship. No such prohibition of expenditure shall be deemed to exist solely because a will, deed or other such instrument, whether executed or in effect before or after the effective date of this section, directs or authorizes the use of only the "income," or "interest," or "dividends" or "rents, issues or profits," or contains words of similar import.

(d) The provisions of the Corporate Securities Law of 1968 shall not apply to the creation, administration or termination of common trust funds authorized under this section, or to participation therein.

CHAPTER 418

An act to amend Section 690.3 of the Code of Civil Procedure, relating to attachment and execution.

[Approved by Governor July 19, 1972 Filed with
Secretary of State July 19, 1972]

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

SECTION 1. Section 690.3 of the Code of Civil Procedure is amended to read:

690.3. One housetrailer or mobilehome in which the debtor, or the family of such debtor, actually resides, of a value not exceeding nine thousand five hundred dollars (\$9,500) over and above all liens and encumbrances on that housetrailer or mobilehome, provided neither such debtor nor the spouse of such debtor has an existing homestead as provided by Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code.

CHAPTER 419

An act to amend Section 21671.5 of the Public Utilities Code, relating to airports.

[Approved by Governor July 19, 1972 Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 21671.5 of the Public Utilities Code is amended to read:

21671.5. Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairman of the commission shall be selected by the members thereof.

Compensation, if any, shall be determined by the board of supervisors.

Staff assistance, including the mailing of notices and the keeping of minutes, and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

The commission shall meet at the call of the commission chairman or at the request of the majority of the commission members.

CHAPTER 420

An act to amend Section 10270.55 of the Insurance Code, relating to insurance.

[Approved by Governor July 19, 1972 Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 10270.55 of the Insurance Code is amended to read:

10270.55. (a) With respect to a policy issued to a corporation, copartnership or individual employer eligible for group insurance pursuant to Section 10270.5, the term "employees" may be deemed to include the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms or individuals is controlled by the policyholder through stock ownership, contract or otherwise, or when the policyholder is controlled by affiliated corporations, firms or individuals through stock ownership, contract or otherwise.

(b) With respect to a policy issued to a copartnership or individual employer pursuant to Section 10270.5, the term "employees" may be deemed to include the individual proprietor or partners of the policyholder.

(c) With respect to a policy issued to a trust pursuant to subdivisions (1) or (4) of subsection (a) of Section 10270.5 the term "employees" may be deemed to include (1) the individual proprietors and partners of any employers which are individual proprietors or partnerships, (2) the employees of an association and (3) the trustee, or trustees, or the employees of the trustee, or trustees, or both, if their duties are principally connected with such trusteeship.

(d) With respect to a policy issued to an association pursuant to subdivision (3) of subsection (a) of Section 10270.5 the term "members" may be deemed to include the employees of the association.

(e) Nothing contained herein shall permit a director of a corporate employer to become insured under a group policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director.

(f) Nothing contained herein shall permit an individual proprietor or partner to become insured under a group policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership.

(g) Nothing contained herein shall permit any employee to become insured under a group policy unless he is an officer,

manager, or employee for compensation of the employer to whom a group policy is issued, or of one or more of the individuals, firms, or corporations specified in subdivision (a), or of the association or trustee or trustees specified in subdivision (c), or of the association specified in subdivision (d).

(h) Officers, managers, and employees of a public agency who receive no compensation may be insured under a group policy purchased pursuant to the provisions of Article 1 (commencing with Section 53200) of Chapter 2, Part 1, Division 2, Title 5 of the Government Code.

SEC. 2. The amendment of Section 10270.55 of the Insurance Code which is made by this act does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 421

An act to amend Section 11161.5 of the Penal Code, relating to minors.

[Approved by Governor July 19, 1972. Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 11161.5 of the Penal Code is amended to read:

11161.5. (a) In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any registered nurse when in the employ of a public health agency, school, or school district and when no physician and surgeon, resident, or intern is present, by any superintendent, any supervisor of child welfare and attendance, or any certificated pupil personnel employee of any public or private school system or any principal of any public or private school, by any teacher or any public or private school, by any licensed day care worker, by an administrator of a public or private summer day camp or child care center, or by any social worker, and it appears to the physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, religious practitioner, registered nurse, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, school principal, teacher, licensed day care worker, by an administrator of a public or private summer day camp or child care center or social worker from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall report such fact by telephone and in writing, within 36 hours, to the

local police authority having jurisdiction and to the juvenile probation department. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

Whenever it is brought to the attention of a director of a county welfare department that a minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall file a report as provided in this section, within 36 hours of the time it is brought to his attention.

No person shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the local police authority shall be forwarded to the State Bureau of Criminal Identification and Investigation. If the records of the Bureau of Criminal Identification and Investigation maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon the same minor or upon any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the local reporting agency and the local juvenile probation department shall be immediately notified of the fact.

Reports and other pertinent information received from the bureau shall be made available to: any licensed physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, or religious practitioner with regard to his patient or client; any director of a county welfare department, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal having a direct interest in the welfare of the minor; and any probation department, juvenile probation department, or agency offering child protective services.

(b) If the minor is a person specified in Section 600 of the Welfare and Institutions Code and the duty of the probation officer has been transferred to the county welfare department pursuant to Section 576.5 of the Welfare and Institutions Code, then the report required by subdivision (a) of this section shall also be made to the county welfare department.

CHAPTER 422

An act to amend Sections 7150, 7153, 7153.2, 7153.3, 7171, and 7187 of, to add Sections 7153.7 and 7153.8 to, and to repeal Section 7153.4 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 19, 1972 Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 7150 of the Financial Code is amended to read:

7150. An association may make amortized loans, as defined in Section 5074, upon the security of real property for the following terms, from the due date of the first principal installment.

(a) Loans secured by improved real property, for a term of not more than 30 years.

(b) Loans secured by other real property, for a term of not more than 20 years.

(c) Loans made pursuant to Article 3 of this chapter, for the maximum term, applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof.

SEC. 2. Section 7153 of the Financial Code is amended to read:

7153. An association may make amortized loans upon the security of residential real property, the principal improvements on which consist of one or more structures designed primarily for residential use and consisting of a dwelling or dwelling units for one or more families, in an amount not in excess of 80 percent of the appraised value of such real property.

SEC. 3. Section 7153.2 of the Financial Code is amended to read:

7153.2. An association may make amortized loans upon the security of real property in an amount in excess of 80 percent of the appraised value of such real property, if:

(a) There is located thereon only a structure designed for residential use for one family or a structure designed for residential use for one family and structures ancillary to such residential use or if such real property is of the type described in subdivision (a), (b) or (c) of Section 7153.1;

(b) The loan is in an amount not in excess of (1) forty-five thousand dollars (\$45,000), or (2) 90 percent of the appraised value of the real property, or (3) if the loan is made to finance the purchase of the real property, 90 percent of the purchase price, whichever is less;

(c) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the

vendor or vendors have jointly executed a certification in writing stating the purchase price of the security property and the items comprising such price;

(d) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(e) The borrower makes a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, or, in the case of real property of the type described in subdivisions (a), (b), and (c) of Section 7153.1, liens or charges to secure unpaid assessments for management and common expenses, has been given or executed by him; and

(f) The loan requires repayment in monthly installments and each such payment includes the monthly proration of annual taxes and hazard insurance premiums in advance until the unpaid balance of such loan shall have been reduced to 80 percent of the appraised value or the purchase price if any, whichever is less, of such property, but an association may waive such requirement as to hazard insurance premiums in the case of insurance covering security property in a condominium project, community apartment project or cluster-type residential project for which blanket insurance coverage is obtained by the project management.

No association shall have such investments under this section aggregating at any one time more than 30 percent of its total assets. Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the appraised value or the purchase price if any, whichever is less, of such property, such loan may be removed from the above imposed limitation of assets.

A loan under this section may be made to finance the construction of a structure described in the first paragraph hereof, but the amount by which such a loan exceeds 80 percent of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale the borrower need not certify that he intends to occupy the property as his home, but the amount by which such loan exceeds 80 percent of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan and there is then compliance with all of the provisions of the first paragraph hereof.

SEC. 4. Section 7153.3 of the Financial Code is amended to read:

7153.3. An association may make amortized loans upon the security of real property in an amount not in excess of 90 percent of the appraised value of such real property if such real property is improved by housing accommodations, individual or multiple,

designed for the purpose of providing accommodations for occupancy by aging persons over 55 years of age, or of providing rest homes or nursing homes, so constructed or altered as to be suitable primarily for the occupancy of aging persons over 55 years of age and limited principally to the occupancy of such persons. The borrower shall make a certification in writing that the security property has been or, as a result of such loan, will be constructed or altered to provide housing accommodations suitable primarily for aging persons over 55 years of age or to provide a rest home or a nursing home for such persons and certifying that, as long as such loan is outstanding, occupancy of such property will be limited principally to occupancy by aging persons over 55 years of age.

No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets. Whenever the unpaid balance of such loans made under this section shall have been reduced to 80 percent of the original appraised value of such property, such loan may be removed from the above-imposed limitation of assets.

SEC. 5. Section 7153.4 of the Financial Code is repealed.

SEC. 6. Section 7153.7 is added to the Financial Code, to read:

7153.7. An association, subject to the requirements of Part 527 of Title 12 of the Code of Federal Regulations, may make "qualifying loans" as defined in such regulations, except that any such loan shall be:

(a) In a principal amount of not more than the lesser of:

(1) The percentage of the fair market value of the security property set forth in subdivision (b) of Section 12640.02 of the Insurance Code, but in no event in excess of 100 percent.

(2) The purchase price of the security property.

(3) Twenty-five thousand dollars (\$25,000).

(b) Insured by mortgage guarantee insurance, as defined in Section 12640.02 of the Insurance Code in an amount equal to the portion of the loan which is in excess of the applicable limitation imposed by Section 7153, 7153.1 or 7153.2 of this code.

SEC. 7. Section 7153.8 is added to the Financial Code, to read:

7153.8. The limitation of 90 percent set forth in subdivision (b) of Section 7153.2 of the Financial Code shall be 95 percent in the case of any loan with respect to which the requirements set forth in subdivisions (a), (c), (d), (e) and (f) of Section 7153.2 are met and with respect to which the following additional requirements are met:

(a) The amount of the loan does not exceed the lesser of:

(1) Thirty-six thousand dollars (\$36,000).

(2) Ninety-five percent of the value of the real estate securing the loan.

(3) Ninety-five percent of the purchase price of the security property.

(b) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans made under this subparagraph (exclusive of loans with respect to

which the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 10 percent of the association's assets unless prior approval to exceed 10 percent is given by the commissioner.

(c) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans under this section and Section 7153.2 and (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 30 percent of the association's asset and

(d) Either:

(1) That portion of the unpaid balance of such loan which is in excess of an amount equal to 90 percent of the value of the real estate is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation.

(2) The association establishes and maintains a specific reserve with respect to such loan equal to 1 percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

SEC. 8. Section 7171 of the Financial Code is amended to read:

7171. An association shall not make any loan upon the security of unimproved real property made under Sections 6705.1 and 6705.2 and subdivision (a) of Section 7155 if the unpaid principal of all its loans then in force on unimproved real property exceeds 5 percent of the unpaid principal of all its loans of all classes then in force.

SEC. 9. Section 7187 of the Financial Code is amended to read:

7187. Subject to such rules and regulations as the commissioner may prescribe, an association may make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of mobile dwelling financing. Any rules or regulations promulgated by the commissioner shall be made after determining that such rules or regulations are in the interests of investors and associations generally, and are in the public interest.

"Mobile dwelling," as used in this section, means a movable dwelling constructed in one or more units to be occupied on land, having a minimum width of 10 feet and a minimum area of 400 square feet and containing living facilities for year-round occupancy by one family, including permanent provision for eating, sleeping, cooking and sanitation.

CHAPTER 423

An act to amend Section 770.3 of the Insurance Code, relating to tax-sheltered annuities.

[Approved by Governor July 19, 1972 Filed with
Secretary of State July 19, 1972.]

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

SECTION 1. Section 770.3 of the Insurance Code is amended to read:

770.3. No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through particular agents, brokers, or companies, except to the extent that the state has a direct financial interest in the subject of the insurance. The state has no financial interest in an annuity purchased for an employee where the premium therefor is paid from a deduction from or reduction in the employee's salary, and any annuity paid for through such a deduction or reduction shall not be deemed to have been provided by the state for its employees for purposes of this section, and the state shall not negotiate or require the placing of such annuity through particular agents, brokers, or companies. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred twenty percent (120%) of the unpaid contract balance. Except in those cases where the premium for an annuity is paid entirely from a deduction from or reduction in an employee's salary, nothing contained herein shall affect life or disability insurance programs which may be provided by the state for its employees.

Notwithstanding anything in this section to the contrary, in any case in which a tax-sheltered annuity under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of 1954 is to be placed or purchased for an employee, the employee shall have the right to designate the licensed agent, broker, or company through whom the employee's employer shall arrange for the placement or purchase of the tax-sheltered annuity. In any case in which the employee has designated such an agent, broker, or company, the employer shall comply with such designation.

As used in this section, "state department or agency" shall include, but not be limited to, school districts.

This section shall apply to all local governmental agencies, as well as state departments and agencies.

CHAPTER 424

An act to amend Section 73694 of the Government Code, relating to municipal courts.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 73694 of the Government Code is amended to read:

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon the recommendation of the judges as to the clerk and the clerk as to all other officers and attachés of the court, and with the approval of the Board of Supervisors of the County of Fresno, the officers and attachés of the court may be paid any compensation which is within the ranges and increments set forth in Section 73684, but not exceeding 25 percent of the amounts provided for the position by Sections 73682 and 73683. Such increases may be made operative at the same time as the higher compensation becomes operative for the similar positions within the County of Fresno. Any pay increase authorized by this section shall only be effective until the 60th day after the final adjournment of the next succeeding regular session of the Legislature following the effective date of such pay increase.

CHAPTER 425

An act to add Sections 31621.2, 31671.02, 31676.12, 31727.1, 31808.7, and 31812.1 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 19, 1972. Filed with Secretary of State July 19, 1972.]

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

SECTION 1. Section 31621.2 is added to the Government Code, to read:

31621.2. In counties adopting Section 31676.12, the normal rates of contribution, except for members covered by Article 6.8 (commencing with Section 31639) of this chapter, shall be such as will provide an average annuity at age 60 equal to one one-hundredth of the final compensation of members not covered by Article 6.8 (commencing with Section 31639) of this chapter,

according to tables adopted by the board of supervisors, for each year of service rendered after entering the system.

SEC. 2. Section 31671.02 is added to the Government Code, to read:

31671.02. This section shall apply in any county subject to the provisions of Section 31676.12. On January 1, 1975, or at the expiration of three years after a retirement system adopts the provisions of Section 31676.12, whichever is later, every member who has attained the age of 67 shall be retired forthwith. Thereafter, every member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 67.

This section shall not apply to any officers holding an elective office.

SEC. 3. Section 31676.12 is added to the Government Code, to read:

31676.12. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement exceed 75 percent of the member's final compensation.

Age at Retirement	Fraction	
	Men	Women
50 .....	.6467	.6681
50 $\frac{1}{4}$ .....	.6565	.6775
50 $\frac{1}{2}$ .....	.6664	.6869
50 $\frac{3}{4}$ .....	.6762	.6962
51 .....	.6860	.7056
51 $\frac{1}{4}$ .....	.6965	.7156
51 $\frac{1}{2}$ .....	.7070	.7255
51 $\frac{3}{4}$ .....	.7174	.7355
52 .....	.7279	.7454
52 $\frac{1}{4}$ .....	.7393	.7561
52 $\frac{1}{2}$ .....	.7506	.7668
52 $\frac{3}{4}$ .....	.7619	.7775
53 .....	.7732	.7882
53 $\frac{1}{4}$ .....	.7885	.7998
53 $\frac{1}{2}$ .....	.7978	.8114
53 $\frac{3}{4}$ .....	.8102	.8230

54 .....	.8225	.8346
54 $\frac{1}{4}$ .....	.8360	.8472
54 $\frac{1}{2}$ .....	.8494	.8598
54 $\frac{3}{4}$ .....	.8629	.8724
55 .....	.8764	.8850
55 $\frac{1}{4}$ .....	.8911	.8987
55 $\frac{1}{2}$ .....	.9059	.9125
55 $\frac{3}{4}$ .....	.9206	.9262
56 .....	.9353	.9399
56 $\frac{1}{4}$ .....	.9515	.9549
56 $\frac{1}{2}$ .....	.9576	.9699
56 $\frac{3}{4}$ .....	.9838	.9849
57	1.0000	1.0000
57 $\frac{1}{4}$	1.0110	1.0111
57 $\frac{1}{2}$	1.0221	1.0223
57 $\frac{3}{4}$	1.0332	1.0335
58	1.0443	1.0447
58 $\frac{1}{4}$	1.0591	1.0597
58 $\frac{1}{2}$	1.0739	1.0747
58 $\frac{3}{4}$	1.0887	1.0898
59	1.1035	1.1048
59 $\frac{1}{4}$	1.1191	1.1207
59 $\frac{1}{2}$	1.1348	1.1367
59 $\frac{3}{4}$	1.1504	1.1526
60	1.1660	1.1686
60 $\frac{1}{4}$	1.1826	1.1855
60 $\frac{1}{2}$	1.1991	1.2025
60 $\frac{3}{4}$	1.2157	1.2195
61	1.2322	1.2365
61 $\frac{1}{4}$	1.2498	1.2547
61 $\frac{1}{2}$	1.2673	1.2729
61 $\frac{3}{4}$	1.2849	1.2911
62 and over	1.3025	1.3093

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

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Whenever in this chapter reference is made to survivorship and other benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 3.5. Section 31727.1 is added to the Government Code, to read:

31727.1. In counties adopting Section 31676.12, the non-service-connected disability retirement pension shall be such an amount as with that portion of a member's annuity provided by his accumulated normal contributions will make his disability retirement allowance, exclusive of the annuity provided by his

accumulated additional contributions, equal:

(a) Ninety percent of one-fiftieth of his final compensation multiplied by the number of years of service credited to him, if (1) the member must rely upon service in another retirement system in order to be eligible to retire or (2) such disability retirement allowance exceeds one-third of his final compensation.

(b) If the member is eligible to retire without relying upon service in another retirement system and the disability retirement allowance computed under subdivision (a) does not exceed one-third of his final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 62, but in such case the retirement allowance shall not exceed one-third of his final compensation.

SEC. 4. Section 31808.7 is added to the Government Code, to read:

31808.7. In any county or district, subject to Section 31676.12, which adopts or has already adopted the provisions of this article, the retirement allowance of members subject to Section 31676.12 shall be computed according to either the provisions of subdivision (a) or subdivision (b) of this section as selected by the board of supervisors.

(a) The retirement allowance for service rendered prior to the effective date of Section 31676.12 shall be computed in accordance with the provisions of Section 31676.12. The retirement allowance of any member with respect to service performed after the effective date of Section 31676.12 shall equal the total of the following:

(1) The fraction of one seventy-fifth of the first three hundred fifty dollars (\$350) monthly of the member's final compensation set forth in the table appearing in Section 31676.12 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(2) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31676.12 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service, or

(b) The retirement allowance shall be computed according to the provisions of Section 31676.12 and federal old age and survivors' insurance coverage shall be on an additive or supplemental basis.

SEC. 5. Section 31812.1 is added to the Government Code, to read:

31812.1. Each member subject to Section 31676.12 and subdivision (a) of Section 31808.7 shall continue to contribute as provided for in Article 6 (commencing with Section 31620) less an amount equal to one-third of that portion of such contribution which is payable with respect to the first three hundred fifty dollars (\$350) monthly wage, or in counties where the board of supervisors pursuant to subdivision (b) of Section 31808.7 elects to have the

retirement allowance of members computed according to the provisions of Section 31676.12, each member shall make contributions as provided for in Section 31621.2 with respect to all his monthly wage.

CHAPTER 426

An act to amend Section 21754 of the Education Code, relating to school district bonds, and declaring the urgency thereof, to take effect immediately.

[This bill having remained with the Governor 12 days, and the Legislature being in session, it has become a law this 20th day of July, 1972, without the Governor's signature, pursuant to Section 10, Article 4, California Constitution. Filed with Secretary of State July 20, 1972.]

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

SECTION 1. Section 21754 of the Education Code is amended to read:

21754. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds; or, a majority of the votes cast, if the election is held to repair, reconstruct or replace school buildings in compliance with Section 15503; the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

SEC. 2. This act shall become operative only if Senate Constitutional Amendment No. 72 of the 1972 Regular Session is adopted by the electors of the state, in which case it shall become operative at the same time as Senate Constitutional Amendment No. 72.

SEC. 3. There shall be submitted to the people at the election to be held on the seventh day of November, 1972, Senate Constitutional Amendment No. 72, proposed by the Legislature at the 1972 Regular Session. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this act.

SEC. 4. Within five days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 72, whichever occurs later, the author of such amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for adoption of the measure. If such constitutional amendment was not adopted

unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 72, whichever occurs later.

SEC. 5. Upon either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 72, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and the analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 72, whichever occurs later. The measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

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

In order to place the necessary constitutional provision on the ballot at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 427

An act to amend Sections 19682, 19683, and 19683.5 of, and to add Sections 19682.5, 19682.7, and 19682.9 to, the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 19682 of the Education Code, as amended by Chapter 63 of the Statutes of 1971, is amended to read:

19682. As used in this article, "exceptional children" means physically handicapped minors, mentally retarded minors, educationally handicapped minors, multihandicapped minors, or pupils enrolled in development centers for the handicapped

required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, Sections 6750 to 6761, inclusive, and Sections 16645.1 to 16645.25, inclusive.

SEC. 2. Section 19682.5 is added to the Education Code, to read:

19682.5. Allocations under this article for assistance to school districts in providing necessary housing and equipment for the education of pupils enrolled in development centers for the handicapped may be made only to those school districts which receive state funds for the operation of such development centers pursuant to the provisions of Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12.

SEC. 3. Section 19682.7 is added to the Education Code, to read:

19682.7. The State Allocation Board, in cooperation with the Department of Education, shall develop standards to be complied with in the construction of housing facilities for development centers for the handicapped with allowances provided pursuant to this article.

SEC. 4. Section 19682.9 is added to the Education Code, to read:

19682.9. The State Allocation Board shall establish guidelines and procedures to be utilized in determining the eligibility of school districts for allowances provided pursuant to this article with respect to facilities and equipment for the education of pupils enrolled in development centers for the handicapped. Such guidelines and procedures shall provide that in order to be eligible to receive such allowance the school district has no existing facilities which could be utilized for a development center for the handicapped.

SEC. 5. Section 19683 of the Education Code, as amended by Chapter 1424 of the Statutes of 1971, is amended to read:

19683. Allocations under this article may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedic or other health impaired, multihandicapped, speech handicapped, educationally handicapped, or enrolled in development centers for the handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Allocations for housing and equipment for minors having speech defects or disorders shall be allowed in new schools constructed after July 1, 1968, and in existing schools constructed between July 1, 1933, and July 1, 1968. Such housing and equipment shall be designed and provided to permit their utilization for remedial and other special services including speech therapy, speech reading (lipreading) and auditory training for the speech and hearing handicapped, screening and testing for speech and hearing defects, or both, psychological testing of exceptional children, subject matter tutoring of exceptional children, and other specialized activities required by such children. In addition to the maximum building area allowances provided in Sections 19583, 19585, 19586, and 19587, not more than an additional 200 square feet of building area shall be allowed for each new school so planned and constructed.

Each existing school, constructed between July 1, 1933, and July 1, 1968, shall be allowed not more than an additional 200 square feet of building area only for construction thereon of a new speech facility. At the option of the applicant district, the board may allocate funds to convert existing facilities or to provide a combination of new construction and conversion of existing facilities to provide housing for such minors having speech defects or disorders, provided the cost of such conversion or combination of new construction and conversion does not exceed the computed cost for 200 square feet of new classroom construction based upon cost standards adopted by the board. At the further option of the applicant district, and in lieu of new building construction or conversion, the board may allocate funds for the acquisition of mobile speech therapy facilities, provided the cost of such mobile facilities does not exceed the combined computed cost for 200 square feet of new classroom construction, based upon cost standards adopted by the board, at all such schools which will be served by the mobile facility.

SEC. 6. Section 19683.5 of the Education Code is amended to read:

19683.5. Notwithstanding any provisions of this article to the contrary, apportionments for the construction of facilities and the purchase of essential furniture and equipment for the education of exceptional children may, subject to the approval of the Department of Education, be made to any school districts not otherwise eligible to receive apportionments under Article 1 (commencing with Section 19551) and Article 2 (commencing with Section 19651) of this chapter, for the education of blind, partially seeing, aphasic, deaf, hard-of-hearing, mentally retarded, orthopedic or other health-impaired, multihandicapped, and educationally handicapped minors, or pupils enrolled in development centers for the handicapped.

The Department of Education may approve applications in those situations where the facilities will be used by a county superintendent of schools required to educate physically

handicapped minors pursuant to Section 894 and mentally retarded minors pursuant to Section 895. A school district may educate such minors by agreement with a county superintendent of schools required to educate such minors. Priority in the use of such facilities shall be given to pupils from districts other than the applicant district.

Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: 50 percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county superintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such district had been required to repay 100 percent of the apportionment over such period.

The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to 80 percent of the amount the district is required to repay in said fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars (\$160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 (see Chapter 105 of the Statutes of 1971) will be submitted to the electors at a special election which has been consolidated with the direct primary election to be held on

June 6, 1972. So that the funds provided thereby, if the measure is approved by the electors, can be utilized for the purposes of this act at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 428

An act to add Section 23621 to the Education Code, relating to the California State Colleges.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 23621 is added to the Education Code, to read:

23621. The trustees shall authorize a maximum of no less than 24 semester units in extension course credit to be applied toward a baccalaureate degree. Such credit shall have been earned at an institution accredited by the Western Association of Schools and Colleges or a similarly constituted regional accrediting agency and must be acceptable toward the baccalaureate degree at that institution, provided that the number of credit units accepted from an accredited institution shall not exceed the maximum number of credit units accepted by such institution. Such extension course credit shall be evaluated in the same manner as other credit transferred from institutions accredited by the Western Association of Schools and Colleges or a similarly constituted regional accrediting agency.

CHAPTER 429

An act to add Section 13583.7 to the Education Code, relating to school classified employees.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 13583.7 is added to the Education Code, to read:

13583.7. (a) When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school

year shall be given written notice on or before May 29 informing them of their layoff effective at the end of such school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than 30 days prior to the effective date of their layoff.

(b) When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 30 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

(c) Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the governing board, without the notice required by subsections (a) or (b) hereof.

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

CHAPTER 430

An act to amend Sections 69994.2, 69995, 70046, 70048, 70057, 70059.7, 70130, 73649, 73959, 74351, 74352, 74647, and 74674 of the Government Code, relating to court reporters.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 69994.2 of the Government Code is amended to read:

69994.2. The regular official phonographic reporters shall be compensated at an annual salary of sixteen thousand fifty-six dollars (\$16,056), except that such reporters may be employed at an annual salary of thirteen thousand two hundred twenty-four dollars (\$13,224) for the first year of service, at an annual salary of thirteen thousand eight hundred sixty dollars (\$13,860) for the second year of service, at an annual salary of fourteen thousand five hundred fifty-six dollars (\$14,556) for the third year of service, and at an annual salary of fifteen thousand two hundred eighty-eight dollars (\$15,288) for the fourth year of service. The judges of the superior and municipal courts of such county, a majority concurring, may appoint a supervising phonographic reporter at an annual salary of sixteen thousand eight hundred sixty dollars (\$16,860).

SEC. 2. Section 69995 of the Government Code is amended to read:

69995. In each county with a population of more than 375,000 and less than 400,000, as determined by the 1970 federal census, as full compensation for reporting the proceedings in criminal cases in the superior court, proceedings before the juvenile court, proceedings held under the provisions of Part 1 (commencing with Section 5000) of Division 6 of the Welfare and Institutions Code and proceedings held under the provisions of Chapter 4 (commencing with Section 7050) of Part 4 of Division 6 of the Welfare and Institutions Code, each regular official court reporter shall receive a monthly salary of eight hundred seventy-five dollars (\$875) for the fiscal year 1972-73, and nine hundred twenty-five dollars (\$925) for the fiscal year 1973-74. All other fees of such reporters shall be as elsewhere provided by law. In cases where a pro tempore official reporter is appointed, he shall receive the fees elsewhere provided by law.

SEC. 3. Section 70046 of the Government Code is amended to read:

70046. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 federal decennial census, each regular official reporter shall be paid an annual salary of sixteen thousand four hundred thirteen dollars (\$16,413), and each pro tempore official reporter shall be paid fifty-five dollars (\$55) a day for the days he actually is on duty under order of the court.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 4. Section 70048 of the Government Code is amended to read:

70048. In a county with a population of 1,300,000 and under 1,400,000, as determined by the 1970 federal census, regular official reporters shall be paid a monthly salary of one thousand five hundred seventy-five dollars (\$1,575).

Official phonographic reporters pro tempore shall be compensated at the rate of sixty-three dollars (\$63) a day, or any fractional part thereof.

Rates of compensation of all regular official reporters and official reporters pro tempore may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such changes in compensation made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next regular session of the Legislature unless ratified by a statute enacted at such session.

SEC. 5. Section 70057 of the Government Code is amended to read:

70057. In a county with a population of 1,300,000 and under 1,400,000, as determined by the 1970 federal census, the fee required by Section 70053 shall be fifteen dollars and fifty cents (\$15.50).

SEC. 6. Section 70059.7 of the Government Code is amended to read:

70059.7. In a county with a population of not less than 260,000 and not more than 290,000, as determined by the 1970 federal census, each regular official reporter shall be paid an annual salary of fourteen thousand four hundred forty-five dollars (\$14,445), which salary shall include payment for his services in reporting all proceedings in the superior court and before the grand jury.

Reporters pro tempore shall be paid at the per diem rate as fixed by Sections 69948 and 69949 for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

In such a county, the fee required by Section 70053 shall be ten dollars (\$10).

In addition to any fee otherwise required, in civil cases that last longer than five judicial days, a fee per day equal to the per diem rate for official reporters pro tempore shall be charged to the parties for the services of an official reporter for the sixth and each succeeding day a reporter is required.

SEC. 8. Section 70130 of the Government Code is amended to read:

70130. (a) In a county with a population of over 140,000 and not over 147,000 as determined by the 1960 federal decennial census, within which there is located a facility of the Department of Corrections of the State of California, the monthly salary of each full-time official reporter shall notwithstanding any other provision of law be as follows: for the first year of service commencing upon the effective date of the amendments made to this section during the 1969 Regular Session of the Legislature, one thousand one hundred ninety-five dollars (\$1,195); for the first year thereafter, one thousand two hundred fifty-five dollars (\$1,255); for the next year thereafter, one thousand three hundred eighteen dollars (\$1,318); for the next year, one thousand three hundred eighty-five dollars (\$1,385); and thereafter, one thousand four hundred fifty-four dollars (\$1,454).

Any succeeding appointee to an official reporter position shall be compensated at the first step and advance to each higher step upon completion of each year of service. If the board of supervisors approves, new official reporters may be employed at the second or third step. Any official reporter who has previously elected to be paid on a per diem basis may continue on that basis.

(b) The compensation for each official reporter pro tempore shall be fifty-five dollars (\$55) a day for each day he actually is on duty under order of the court.

(c) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees

of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

SEC. 9. Section 73649 of the Government Code is amended to read:

73649. Official reporters in the Municipal Court of the El Cajon Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Municipal Court of the San Diego Judicial District. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Municipal Court of the San Diego Judicial District, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

SEC. 10. Section 73959 of the Government Code is amended to read:

73959. Official reporters in the Municipal Court of the North County Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Municipal Court of the San Diego Judicial District. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections

69947 to 69953, inclusive, except that in lieu of the per diem fees provided in such sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Municipal Court of the San Diego Judicial District, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

SEC. 11. Section 74351 of the Government Code is amended to read:

74351. Official reporters in the Municipal Court of the San Diego Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall be paid a monthly salary of one thousand five hundred seventy-five dollars (\$1,575), until July 1, 1973, and thereafter shall be paid a monthly salary of one thousand six hundred fifty-four dollars (\$1,654). There shall also be one official reporter appointed by the court as chief reporter, such appointment to be entered upon the minutes of the court, who shall receive compensation in the sum of 15 percent per month in addition to any sum otherwise provided by this section. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases be compensated at the rate of sixty-three dollars (\$63) a day, or any fractional part thereof, until July 1, 1973, and thereafter shall be compensated at the rate of sixty-six dollars (\$66) a day, or any fractional part thereof, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the

county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

SEC. 12. Section 74352 of the Government Code is amended to read:

74352. In any civil action or proceedings filed in the San Diego, El Cajon or North County Judicial Districts, where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys fees and costs exceeds three hundred dollars (\$300), in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of eleven dollars (\$11) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

- (a) Upon the filing of a complaint or other first paper;
- (b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;
- (c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 (commencing with Section 72050) of Chapter 8 of this title.

SEC. 13. Section 74647 of the Government Code is amended to read:

74647. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive a biweekly salary of five hundred fifty-five dollars and fifty-eight cents (\$555.58). Such salary shall be paid at the same times and according to the same procedures as salaries of employees of the County of Santa Barbara. During the hours when the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

(b) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at the per diem rate fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior

court reporters in the County of Santa Barbara, whichever is the greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

(c) An official reporter when not engaged in the performance of his duties for the municipal court, may be appointed to serve as such reporter for the Santa Barbara County Grand Jury or in any other court in the County of Santa Barbara.

SEC. 14. Section 74674 of the Government Code is amended to read:

74674. In each of the municipal court districts in the County of Santa Clara, official reporters appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary as specified in range 49.0, which shall be a charge against the general fund of the county. Should the board of supervisors increase salaries or adopt a pay plan for official reporters in the superior court pursuant to Section 70046.1, the salary increase or pay plan shall apply equally for all official reporters in municipal courts, but all such changes or adjustments shall be effective only until 90 days after adjournment of the next following general session of the Legislature. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law, and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 431

An act relating to the maintenance of the various codes, as follows:

Education Code:

By amending Sections 10301, 22522, 22523, 22524, 22601, 22603, 22604, 22605, 22606, 22607, 22635, 22700, 22703, 23602, 23620, 23701, 23752, 23752.4, 23753.3, 23754, 23754.2, 24000.1, 24002, 24053.1, 24054, 24054.5, 24054.7, 24055, 24101, 24202, 24206.5, 24303, 24352, 24353, 24502, 25201, 25506, 31226, 31226.2, 31751, and 31752

Government Code:

By amending Sections 11126, 15854.1, 15854.5, 18067, 18022, 50330, and 50330.4

Penal Code:

By amending Sections 602.10 and 626

Vehicle Code:

By amending Section 165

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 10301 of the Education Code is amended to read:

10301. The Superintendent of Public Instruction shall establish and maintain a central clearinghouse-depository and duplication center for specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items for the use of visually handicapped students enrolled in the public schools of California who may require their use as shall be determined by the State Board of Education.

Such instructional materials in specialized media shall be available to other handicapped minors enrolled in the public schools of California who are unable to benefit from the use of conventional print copies of textbooks, reference books, and other study materials in a manner determined by the State Board of Education.

The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items shall be available for use by visually handicapped students enrolled in the public community colleges, California State University and Colleges, and the University of California.

SEC. 3. Section 22522 of the Education Code is amended to read:

22522. It is further the intent of the Legislature that the following categories be established insofar as practicable in the following order for the purpose of enrollment planning and admission priority practice at the undergraduate resident student level for the

California State University and Colleges and the University of California:

- (1) Continuing undergraduate students in good standing.
- (2) California residents who have successfully completed the first two years of their baccalaureate program.
- (3) California residents entering at the freshman or sophomore levels.

It is further the intent of the Legislature that within each of the preceding enrollment categories, the following groups of applicants receive priority consideration in admissions practice in the following order:

- (a) Residents of California who are recently released veterans of the armed forces of the United States.
- (b) Transfers from California public community colleges.
- (c) Applicants who have been previously enrolled at the campus to which they are applying, provided they left such institution in good standing.
- (d) Applicants who have a degree or credential objective that is not generally offered at other public institutions of higher learning within California.
- (e) Applicants for whom the distance involved in attending another institution would create financial or other hardships.

It is further the intent of the Legislature that those veterans referred to in paragraph (a) who were enrolled in good standing at a campus of the University of California or at one of the California state universities or colleges prior to military service receive priority over other veterans recently released from military service.

- (4) Residents of other states and foreign countries.

The segments may, in implementing these enrollment plans and admissions priorities, consider the overall needs of students in maintaining a balanced program and a quality curriculum.

SEC. 4. Section 22523 of the Education Code is amended to read: 22523. The California State University and Colleges and the University of California shall keep a record of the applicants denied admission and develop and utilize an information collection system which will indicate the number of qualified applicants who could not be accommodated at their campus of first choice and were redirected to campuses of alternate choice and the number of qualified redirected applicants who declined an offer of admission to an alternate campus.

SEC. 5. Section 22524 of the Education Code is amended to read: 22524. The Trustees of the California State University and Colleges and the Regents of the University of California shall submit to the Legislature on the fifth calendar day of each regular session of the Legislature a report on the progress made on the implementation of the enrollment plans and admissions priorities system and on the establishment of the information system and the findings that are made available.

SEC. 6. Section 22601 of the Education Code is amended to read:

22601. The board shall be composed of the following four ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, and the person named by the trustees to serve as the Chancellor of the California State University and Colleges; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the Senate. The Speaker of the Assembly shall have the status of a legislative interim committee on the subject of the California State University and Colleges and shall meet with the board and participate in its work to the extent that such participation is not incompatible with his position as a Member of the Legislature.

SEC. 7. Section 22603 of the Education Code is amended to read:

22603. If the trustees and the Regents of the University of California both consent, the Chancellor of the California State University and Colleges shall sit with the Regents of the University of California in an advisory capacity and the President of the University of California shall sit with the trustees in an advisory capacity.

SEC. 8. Section 22604 of the Education Code is amended to read:

22604. The Trustees of the California State University and Colleges shall succeed to the powers, duties and functions with respect to the management, administration and control of the state colleges heretofore vested in the State Board of Education or in the Director of Education, including all powers, duties, obligations, and functions specified in Article 2 (commencing at Section 24501) of Chapter 11 of Division 18 of this code, and all obligations assumed by the State Board of Education pursuant to that article prior to July 1, 1961.

On and after July 1, 1961, the Trustees of the California State University and Colleges shall have full power and responsibility in the construction and development of any state university or college campus, and any buildings or other facilities or improvements connected with the California State University and Colleges. Such powers shall be exercised by the Trustees of the California State University and Colleges notwithstanding the provisions of Chapter 2 (commencing at Section 14100) and Chapter 3 (commencing at Section 14250) of Part 5 of Division 3 of Title 2 of the Government Code, except that the powers shall be carried out pursuant to the procedures prescribed by these laws.

The Trustees of the California State University and Colleges may accept gifts of land, or gifts of options on land, may accept and expend gifts of money for the purchase of land or options on land and may enter into negotiations and contracts for the purchase of land for a future state college site in the vicinity of any of the areas specified in the recommendations contained in the Master Plan for Higher Education printed on page 42, paragraph 5, Senate Journal (Regular Session) for February 1, 1960, except that such gifts, expenditures, negotiations, and contracts shall not obligate the expenditure of any state funds for the purchase of such land or for

development on such land, unless the Legislature shall subsequently approve the obligation by appropriating the funds for that specific purpose.

Any such acceptance or acceptance and expenditure or negotiations and contract may be conditioned upon an automatic reversion back to the donor or automatic termination of the negotiations and contract if a new state university or college is not established at a specific site prior to a specific date designated by the trustees and the donor or the trustees and the person or corporation with whom the trustees are negotiating or contracting.

SEC. 9. Section 22605 of the Education Code is amended to read:
22605. The California State University and Colleges shall be entirely independent of all political and sectarian influence and kept free therefrom in the appointment of its trustees and in the administration of its affairs, and no person shall be debarred admission to any department of the state university and colleges on account of sex.

SEC. 10. Section 22606 of the Education Code is amended to read:
22606. The primary function of the state university and colleges is the provision of instruction for undergraduate students and graduate students, through the master's degree, in the liberal arts and sciences, in applied fields and in the professions, including the teaching profession. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be authorized only when mutually agreed upon by the Trustees of the California State University and Colleges and the State Board of Education. The doctoral degree may be awarded jointly with the University of California, as provided in Section 22552, or jointly with a private institution of higher education accredited by the Western Association of Schools and Colleges and provided the proposed doctoral program is approved by the Coordinating Council for Higher Education. Faculty research is authorized to the extent that it is consistent with the primary function of the state university and colleges and the facilities provided for that function.

SEC. 11. Section 22607 of the Education Code is amended to read:
22607. All state employees employed on June 30, 1961, in carrying out functions transferred to the Trustees of California State University and Colleges by this chapter, except persons employed by the Director of Education in the Division of State Colleges and Teacher Education of the Department of Education, are transferred to the California State University and Colleges.

Nonacademic employees so transferred shall retain their respective positions in the state service, together with the personnel benefits accumulated by them at the time of transfer, and shall retain such rights as may attach under the law to the positions which they held at the time of transfer. All nonacademic positions filled by the trustees on and after July 1, 1961, shall be by appointment made in accordance with Chapter 9 (commencing at Section 24201) of Division 18 of this code, and persons so appointed shall be subject to

the provisions of Chapter 9.

The trustees shall provide, or cooperate in providing, academic and administrative employees transferred by this section with personnel rights and benefits at least equal to those accumulated by them as employees of the state colleges, except that any administrative employee may be reassigned to an academic or other position commensurate with his qualifications at the salary fixed for that position and shall have a right to appeal from such reassignment, but only as to whether the position to which he is reassigned is commensurate with his qualifications. All academic and administrative positions filled by the trustees on and after July 1, 1961, shall be filled by appointment made solely at the discretion of the trustees. The trustees shall establish and adjust the salaries and classifications of all academic, nonacademic, and administrative positions and neither Section 18004 of the Government Code nor any other provision of law requiring approval by a state officer or agency for such salaries or classifications shall be applicable thereto. In establishing and adjusting such salaries, consideration shall be given to the maintenance of the state university and colleges in a competitive position in the recruitment and retention of qualified personnel in relation to other educational institutions, private industry or public jurisdictions which are employing personnel with similar duties and responsibilities. The establishment and adjustment of salaries for nonacademic employees shall be in accordance with the standards prescribed in Section 18850 of the Government Code. The trustees, however, shall make no adjustments which require expenditures in excess of existing appropriations available for the payment of salaries. The provisions of Chapter 9 (commencing at Section 24201) of Division 18 of this code relating to appeals from dismissal, demotion or suspension shall be applicable to academic employees.

Persons excluded from the transfer made by this section shall retain all the rights and privileges conferred upon civil service employees by law. Personnel of state agencies employed in state university and college work other than those transferred by this section and who are employed by the trustees prior to July 1, 1962, shall be provided with personnel rights and benefits at least equal to those accumulated by them as employees of such state agencies.

SEC. 12. Section 22635 of the Education Code is amended to read: 22635. The Regents of the University of California, the Trustees of the California State University and Colleges, and the governing board of every community college or school district maintaining a community college, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of such rules and regulations. Such institutions shall adopt procedures by which all students will be informed of such rules and regulations, with applicable penalties, and any revisions thereof.

SEC. 13. Section 22700 of the Education Code is amended to read:

22700. (a) There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of one representative each of the University of California, the California State University and Colleges, the public community colleges, the private colleges and universities in the state, one nonvoting ex officio member of the State Board of Education, and six representatives of the general public. The university shall be represented by a person appointed by the regents. The California State University and Colleges shall be represented by a person appointed by the trustees. The public community colleges shall be represented by a person appointed by the Board of Governors of the California Community Colleges. The private colleges and universities shall be represented by a person appointed by the Governor after consideration of a list or lists of not less than three persons submitted to him by an association or associations of such institutions and subject to confirmation by the Senate. The State Board of Education shall be represented by a board member appointed by the president of the board. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(1) The representative appointed by the regents shall serve a one-year term.

(2) The representative appointed by the trustees shall serve a one-year term.

(3) The representative appointed by the Board of Governors of the California Community Colleges shall serve a one-year term.

(4) The representative appointed by the president of the State Board of Education shall serve a one-year term.

(5) The term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

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

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: one alternate each for the representative of the regents, the trustees and the Board of Governors of the California Community Colleges. Each alternate shall be appointed for an annual term.

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

(b) Those members of the council described in subparagraph (5) of subdivision (a) who are serving on the effective date of the amendments to this section at the 1971 Regular Session of the Legislature shall have their appointments continued or terminated as follows:

(1) The term of office of those members appointed originally on November 21, 1969, shall expire and the Governor shall make new appointments, or reappointments, two for terms of two years, and one for a term of one year.

(2) The term of office of the member originally appointed on March 18, 1969, shall expire and the Governor shall make a new appointment or a reappointment for a period of three years.

(3) The terms of office of those members appointed originally on November 21, 1967, and January 11, 1968, shall expire, and the Governor shall make new appointments or reappointments, each for a period of four years.

(4) The term of office of the member representing the private colleges and universities shall expire and the Governor shall make a new appointment or a reappointment for a term of three years.

SEC. 14. Section 22703 of the Education Code is amended to read: 22703. The coordinating council shall have the following functions, advisory to the governing boards of the institutions of public higher education and to appropriate state officials; (1) review of the annual budget and capital outlay requests of the university and the California State University and Colleges, and presentation of comments on the general level of support sought; (2) advice as to the application of the provisions of this division delineating the different functions of public higher education and counsel as to the programs appropriate to each segment thereof, and in connection therewith shall submit to the Governor and to the Legislature within five days of the beginning of each general session a report which contains recommendations as to necessary or desirable changes, if any, in the functions and programs of the several segments of public higher education; and (3) development of plans for the orderly growth of public higher education and the making of recommendations on the need for and location of new facilities and programs.

SEC. 15. Section 23602 of the Education Code is amended to read: 23602. The California State Polytechnic College included within the California State University and Colleges is comprised of the two separate campuses or complexes of buildings, facilities, and land described as follows:

(a) The campus or complex situated within the County of San Luis Obispo.

(b) The campus or complex situated within the County of Los Angeles and within or near the City of Pomona and the City of San Dimas.

SEC. 16. Section 23620 of the Education Code is amended to read: 23620. The Trustees of the California State University and Colleges shall establish an internal audit staff which shall include such staff positions as may be presently authorized for internal auditing. The internal auditing staff shall report directly to the trustees and shall be available for consultation with any audit committee of the trustees which may be established by the trustees.

The duties of the internal audit staff shall include, but shall not be

limited to, auditing, reviewing, cost and systems analysis, analyzing, and recommending operating procedures for the California State University and Colleges.

Management audits shall be made to determine the effectiveness and efficiency of the organization, operation, and procedures of each state college, each auxiliary organization, and the office of the Chancellor. Officials and employees of each state university or college, each auxiliary organization, and the office of the chancellor shall furnish all books, papers, contracts, management charts, and related information necessary for such management audits.

SEC. 17. Section 23701 of the Education Code is amended to read:

23701. It is the intent of the Legislature, while maintaining the maximum utilization of funds provided for the support of public higher education, to provide increased access to higher education for all residents of this state, to permit maximum use of existing facilities and academic resources of the California State University and Colleges campuses, to provide for the orderly growth and expansion of the state's system of higher education, and to allow for effective long-range planning to meet the needs of our institutions of higher education while maintaining the quality of that education.

Thus, it is the intent of the Legislature to establish year-round operations at the California State University and Colleges.

SEC. 18. Section 23752 of the Education Code is amended to read:

23752. The Trustees of the California State University and Colleges are authorized to acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2, Government Code) or by lease or other means, real property and to construct, operate and maintain motor vehicle parking facilities thereon for state university and college officers, employees, students, or other persons. The trustees may prescribe the terms and conditions of such parking, and of parking on facilities existing on the effective date of this section, including the payment of parking fees in such amounts and under such circumstances as may be determined by the trustees. Varying rates of parking fees may be established for different localities or for different parking facilities. In determining rates of parking fees the trustees may consider the rates charged in the same locality by other public agencies and by private employers for employee parking, and the rates charged to students by other universities and colleges.

Except as otherwise provided in this section, revenues received by the trustees from any of the hereinabove motor vehicle parking facilities, as well as from all parking facilities existing on the effective date of this section, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State University and College Parking Revenue Fund, which fund is hereby created. The trustees may pledge all or any part of such revenues in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947 (Article 2 (commencing with Section 24501), Chapter 11, Division 18), in which case such

revenues shall be deposited, transmitted and used in the manner provided by that act. All revenues received by the trustees from parking facilities, to the extent not pledged in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947, are hereby appropriated, without regard to fiscal years, to the trustees for the acquisition, construction, operation and maintenance of motor vehicle parking facilities on real property acquired hereunder or on real property otherwise under the jurisdiction of the trustees. Moneys in the State University and College Parking Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the State University and College Parking Revenue Fund.

The Legislature by this section does not intend to authorize the institution of a private parking program unrelated to state purposes in competition with private industry.

SEC. 19. Section 23752.4 of the Education Code is amended to read:

23752.4. The Trustees of the California State University and Colleges may acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2, of the Government Code) or by lease or other means, real property and may construct and improve student health centers entirely or in part by the use of funds acquired pursuant to this section.

The trustees may prescribe under Section 23751 a fee to provide for the acquisition, construction, and improvement of such facilities, in such amounts and under such circumstances as may be determined by the trustees.

Except as otherwise provided in this section, revenues received by the trustees from such facilities fee shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State University and College Facilities Revenue Fund, which fund is hereby created. The trustees may pledge all or any part of such revenues in connection with bonds or notes issued pursuant to the State University and College Revenue Bond Act of 1947 (Article 2 (commencing with Section 24501), Chapter 11, Division 18), in which case such revenues shall be deposited, transmitted and used in the manner provided by that law. All revenues received by the trustees from such facilities fee, to the extent not pledged in connection with bonds or notes issued pursuant to the State University and College Revenue Bond Act of 1947, are hereby appropriated, without regard to fiscal years, to the trustees for the acquisition, construction, and improvement of student health centers on real property acquired hereunder or on real property otherwise under the jurisdiction of the trustees. Moneys in the State University and College Facilities Revenue Fund may be invested by the State Treasurer, upon approval of the

trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the State University and College Facilities Revenue Fund.

All capital outlay projects in excess of sixty-five thousand dollars (\$65,000) to be constructed with revenue from the fee established pursuant to this section shall be approved by the Legislature.

SEC. 20. Section 23753.3 of the Education Code is amended to read:

23753.3. Notwithstanding any other provision of law to the contrary, revenues received by the Trustees of the California State University and Colleges from extension programs, summer session and other self-supporting instructional programs, including but not limited to fees and charges required by the trustees, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State University and College Continuing Education Revenue Fund, which fund is hereby created, and which is hereby designated as successor to the State College Extension Program Revenue Fund.

All such revenues are hereby appropriated, without regard to fiscal years, to the trustees for the support and development of self-supporting instructional programs of the California State University and Colleges; provided, nevertheless, that proposed expenditures or obligations to be incurred during any fiscal year from the State University and College Continuing Education Revenue Fund shall be contained in the budget submitted for that fiscal year by the Governor pursuant to Section 12 of Article IV of the Constitution, and shall be subject to the provisions of Article 2 (commencing with Section 13320) of Chapter 3, Part 3, Division 3, Title 2, of the Government Code.

Moneys in the State University and College Continuing Education Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer and shall be deposited in the State Treasury to the credit of the State University and College Continuing Education Revenue Fund.

SEC. 21. Section 23754 of the Education Code is amended to read:

23754. (a) Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars (\$360) per year. The rate of tuition paid by each nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States, except as otherwise specifically provided, shall be fixed by the trustees and shall not be less than three hundred sixty dollars (\$360) per year. The tuition fee for a nonresident student who

is a citizen and resident of a foreign country and who was in attendance at a state college during the fall term of 1969, may be waived by the trustees if they determine that the increased tuition fee will cause a severe financial hardship on the student. Such waivers may be granted through the spring term of 1973 or until the student receives a baccalaureate degree, whichever occurs first.

(b) The trustees may waive entirely, or reduce below the rate, or the minimum rate, fixed by this section, the tuition fee of a nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States and who attends a state university or college under an agreement entered into by a governmental agency or a nonprofit corporation or organization with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

No admission fee or tuition fee shall be required of any nonresident student who is a full-time employee of the California State University and Colleges or who is the child or spouse of a full-time employee of the California State University and Colleges.

SEC. 22. Section 23754.2 of the Education Code is amended to read:

23754.2. The trustees have the power, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or to reduce below the rate, or the minimum rate, fixed by Section 23754, the tuition fee of a nonresident student who is a citizen and resident of a foreign country who is an undergraduate student of exceptional scholastic ability and prior scholastic achievement who is enrolled in a course of study of no less than 10 semester units.

The number of reductions and waivers granted by the trustees under this section shall at no time exceed 7½ percent of the nonresident undergraduate students who are citizens and residents of a foreign country, then enrolled in the California State University and Colleges.

SEC. 23. Section 24000.1 of the Education Code is amended to read:

24000.1. Notwithstanding any other provision of law to the contrary, the chief fiscal officer of each college shall deposit into and maintain in local trust accounts or in trust accounts in accordance with the provisions of Sections 16305 to 16305.7, inclusive, of the Government Code, or in the State University and Colleges Trust Fund, moneys received in connection with the following sources or purposes:

(a) Gifts, bequests, devises, and donations received under Section 24000.

(b) Any student loan or scholarship fund program, including but not limited to, student loan programs of the state, federal government (including programs referred to in Section 24001), local government, or private sources.

(c) Advance payment for anticipated expenditures or encumbrances in connection with federal grants or contracts.

(d) Room, board, and similar expenses of students enrolled in the international program of the California State University and Colleges.

(e) Cafeteria replacement funds.

(f) Miscellaneous receipts in the nature of deposits subject to return upon approval of a proper application.

SEC. 24. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the Public Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, 24000, and 24000.1, and by reason of Section 2080.9 of the Civil Code, is hereby appropriated for the support of the California State University and Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Sections 24000 and 24000.1, or received by reason of Section 2080.9 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 2080.9 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans; and provided further, that money received by reason of Sections 24000 and 24000.1 may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest and other earnings received pursuant to such investment shall also be used for such purposes as may be established by the trustees consistent with the terms and conditions of the gift, bequest, devise, donation, or agreement under Sections 24000 and 24000.1. Except as otherwise provided with respect to money received by reason of Section 2080.9 of the Civil Code and Sections 24000 and 24000.1 of the Education Code, all money received pursuant to this section shall augment such support appropriation of the California State University and Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state university or college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state university or college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state university or college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State University and Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

SEC. 25. Section 24053.1 of the Education Code is amended to read:

24053.1. All appropriations for the support of the California State University and Colleges and the trustees shall be subject to the provisions of Section 13320 of the Government Code and applicable budget act restrictions, with the following exceptions:

(a) The trustees may approve any transfer of funds within functions for which funds are appropriated for the support of the California State University and Colleges. In addition, the trustees may authorize the augmentation of the amount available for a category designated in any schedule set forth for such appropriation by transfer from any of the other designated categories, including additional reimbursements within the same schedule, and shall furnish the Joint Legislative Budget Committee a report of such authorizations given during the preceding quarter.

(b) The trustees may approve the substitution of one item of equipment for another within budgetary functions and the use of savings in equipment allotments.

(c) The trustees may approve travel, both within and outside the state, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated for this purpose.

(d) The trustees may, within funds appropriated for the support of the California State University and Colleges, establish new positions and make changes in existing positions and the position payroll roster, provided that all such new positions and significant

changes, as defined by the Department of Finance, in grade or class of existing positions shall be shown as administrative adjustments in the subsequent budgetary submissions and shall be subject to review during the legislative budget process.

SEC. 26. Section 24054 of the Education Code is amended to read:

24054. (a) A certified public accountant shall be selected by each auxiliary organization described in Section 24054.5. Upon being notified of the certified public accountant selected by an auxiliary organization, the office of the Chancellor shall forward the applicable auditing and reporting procedures to the selected certified public accountant. In accordance with procedures prescribed by the Department of Finance, such certified public accountant shall annually audit any and all state university or college auxiliary funds. The auxiliary organizations shall contract for and receive such audit annually, and shall submit such audit to the trustees and to the Director of Finance. Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible and be available to any person on request. In the case of a state university or college auxiliary organization primarily serving a single state university or college, publication in the campus student newspaper shall be deemed compliance with this requirement. In the case of a state university or college auxiliary organization serving the trustees or the California State University and Colleges, distribution of the published audited statement of its financial condition at a regularly scheduled meeting of the trustees shall be deemed compliance with this requirement.

(b) In the case of a state university or college auxiliary organization primarily serving a single state university or college, the president of that state college shall be responsible for ascertaining that all expenditures are in accordance with policies of the trustees, the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations.

(c) The operation of state university or college auxiliary organizations shall be conducted in conformity with regulations established by the trustees, and the accounting procedures of such state university or college auxiliary organizations shall be approved by the Director of Finance. The regulations shall include provisions requiring the governing board of each auxiliary organization to provide salaries, working conditions and benefits, exclusive of retirement and permanent status benefits, for the full-time employees of each auxiliary organization which are comparable to those provided state university or college employees performing similar services. For those employees whose duties are not comparable to classes in state university or college employment the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area.

SEC. 27. Section 24054.5 of the Education Code is amended to read:

24054.5. As used in this article, the terms “auxiliary organization” and “state university or college auxiliary organization” shall each include the following entities:

(a) Any entity in which any state university or college official participates as a director as part of his official position.

(b) Any entity formed or operating pursuant to Article 2 (commencing with Section 23801) of this chapter.

(c) Any entity which operates a commercial service for the benefit of a state university or college on a state university or college campus or other state university or college property.

(d) Any entity whose governing instrument provides in substance that:

(1) Its purpose is to promote or assist a state university or college, or to receive gifts, property and funds to be used for the benefit of a state university or college or any person or organization having an official relationship therewith; and

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of an official of a state university or college, or selected, ex officio, from the membership of the student body or the faculty or the administrative staff of a state university or college.

(e) Any entity whose governing instrument provides in substance that:

(1) Its purpose is to promote or assist the trustees or the California State University and Colleges, or to receive gifts, property and funds to be used for the benefit of the trustees or the California State University and Colleges or any person or organization having an official relationship therewith; and

(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the trustees or an official of the California State University and Colleges, or selected, ex officio, from the membership of the trustees or the administrative staff of the California State University and Colleges.

(f) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the trustees.

SEC. 28. Section 24054.7 of the Education Code is amended to read:

24054.7. This article shall not apply to any student body organization not formed or operating pursuant to Article 2 (commencing with Section 23801) of this chapter nor to any student or faculty society, social club, fraternity, or sorority, nor to any alumni association, whether officially recognized as a campus organization or not, unless it is described in Section 24054.5.

This section shall not be construed to alter or limit the powers of the trustees to establish rules and regulations governing organizations which maintain an official relationship with a state college or the California State University and Colleges or which use the name or facilities of a state or state university college or the California State University and Colleges.

SEC. 29. Section 24055 of the Education Code is amended to read:
24055. Each auxiliary organization formed pursuant to this article, shall have a board of directors composed, both as to size and categories of membership, in accordance with regulations established by the Trustees of the California State University and Colleges.

Each governing board shall, during each fiscal year, hold at least one business meeting each quarter. The board shall have the benefit of the advice and counsel of at least one attorney admitted to practice law in this state and at least one licensed certified public accountant. Neither the attorney at law nor the certified public accountant need be members of the board.

No auxiliary organization shall accept any grant, contract, bequest, trust, or gift, unless it is so conditioned that it may be used only for purposes consistent with policies of the trustees.

SEC. 30. Section 24101 of the Education Code is amended to read:
24101. The trustees, with the approval of the Director of Finance, may lease any property of a state college for any purpose which they determine is not inconsistent with the functions of the California State University and Colleges, including, but not limited to:

(a) The lease of state university or college property to a nonprofit organization composed exclusively of students of the university or college or of members of the faculty of the university or college or both, for purposes related to the activities of the university or college or for the activities of student or faculty organizations;

(b) The lease of state university or college property to any nonprofit organization for the purpose of constructing and using thereon buildings as living quarters for students of the university or college and as meeting places;

(c) The lease to any student or faculty organization of the college of property for the purpose of establishing and maintaining co-operative stores, and cafeterias in connection with such stores.

Any rental received under this section shall be deposited in the State Treasury and credited to the support appropriation of the California State University and Colleges current during the period of occupancy.

SEC. 31. Section 24202 of the Education Code is amended to read:
24202. (a) The trustees may authorize payments into a private fund to provide health and welfare benefits to nonpermanent employees of the class specified in Section 18853 of the Government Code employed by the trustees, upon a finding by the trustees as to any such position that the criteria stated in Section 18853.5, subdivision (a), of the Government Code are satisfied.

(b) Payments made by the state pursuant to this section to any such fund on behalf of any employees shall be in lieu of benefits such as vacation allowance, sick leave, and retirement which are now or may hereafter be granted directly by the state in accordance with law.

(c) The trustees are empowered to determine the equitable

application of this section to insure that the employees receive benefits comparable to, but not in excess of, those provided in comparable private employment.

(d) The payments authorized by this section shall be a proper charge against any funds available for the support of the California State University and Colleges.

SEC. 32. Section 24206.5 of the Education Code is amended to read:

24206.5. Each person holding a four-year term appointment under Section 24206 on June 30, 1961, regardless of when the term commenced, shall on that date be entitled to all personnel benefits and rights under the law which would have attached to his position if he had been appointed and had served throughout his state college employment under the provisions of law applicable to persons serving under appointments made pursuant to Article 3 (commencing with Section 24301) of Chapter 9, Division 18 of this code.

On and after July 1, 1961, each such person shall be entitled to all personnel benefits and rights conferred by Section 22607 of this code upon state employees appointed pursuant to said Article 3 and transferred to the Trustees of the California State University and Colleges by that section.

SEC. 33. Section 24303 of the Education Code is amended to read:

24303. All vacant nonacademic positions shall, as far as practicable and consistent with the best interest of the California State University and Colleges be filled from qualified nonacademic employees serving in lower positions in the same or related series.

SEC. 34. Section 24352 of the Education Code is amended to read:

24352. For purposes of state financial support, the laboratory classes for exceptional children established at or in conjunction with state universities or colleges under this chapter shall be separately budgeted for in each budgeting request submitted by the California State University and Colleges, and in the Budget Act.

SEC. 35. Section 24353 of the Education Code is amended to read:

24353. The Trustees of the California State University and Colleges are authorized to accept and devote to the financial support of any of the laboratory classes for exceptional children maintained in conjunction with any state university or college, any federal funds and any other public or private funds which may be allotted or granted for such purposes, and shall have the power to take all measures necessary to effect compliance with the terms and conditions under which such an allotment or grant may be made.

SEC. 36. Section 24502 of the Education Code is amended to read:

24502. The following terms wherever used or referred to in this article, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the Trustees of the California State University and Colleges.

(b) "State university or college" means a state university or college maintained under the authority of this code.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more state universities or colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds or notes.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation, other than revenue bond anticipation notes, issued by the board with the approval of the State Board of Control, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article, in order to obtain funds with which to carry out the purposes of this article, irrespective of the form of such obligations.

(e) The terms "notes" and "revenue bond anticipation notes" mean the written evidence of any obligation issued by the board, pursuant to Section 24503.1, in anticipation of the sale of revenue bonds, for the purpose of obtaining funds to carry out the purposes of this article.

(f) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the State Treasury created by this article for the security of any notes or bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(g) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(h) The term "indenture" means an agreement entered into by the board pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(i) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this state or any public corporation, political subdivision, city, county, district or any agency thereof or of this state.

(j) (a) The present tense includes the past and future tenses; and

the future, the present.

(b) The masculine gender includes the feminine and reuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

SEC. 37. Section 25201 of the Education Code is amended to read: 25201. As used in this chapter:

(a) "Project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of five thousand dollars (\$5,000).

(b) "Trustees" means the Trustees of the California State University and Colleges.

(c) "Service contract" means any contract for services in connection with a project other than a project contract, and includes, but is not limited to, contracts for architectural, engineering, planning, testing, general studies, or feasibility services.

SEC. 38. Section 25506 of the Education Code is amended to read: 25506. The governing board of any school district which is authorized to maintain a community college may contract with the Trustees of the California State University and Colleges for the maintenance of a community college in a state university or college situated in the district. Any contract executed pursuant to this section shall include among its provisions a requirement that all expenditures incurred for community college maintenance shall be payable only on order of the governing board as all other expenditures of the district are payable, and an additional provision that the president of the state university or college shall serve as principal of the community college and in that capacity shall be responsible to the governing board through the superintendent of schools of the district if there is one. Otherwise he shall be responsible directly to the governing board.

SEC. 39. Section 31226 of the Education Code is amended to read:

31226. There is a state student assistance program which shall be known as the State University and College Educational Opportunity Program. It shall be the purpose of the program to provide educational assistance and grants for undergraduate study at California State University and Colleges to students who are economically disadvantaged or educationally and economically disadvantaged, but who display potential for success in accredited curricula offered by the California State University and Colleges.

For the purposes of this chapter:

(a) "Trustees" means the Trustees of the California State University and Colleges.

(b) "Educational agency" means an agency, other than a federal agency, which is supported in whole or in part by funds appropriated for educational purposes.

(c) "State agency" means every state office, officer, department, division, bureau, board, and commission.

(d) The residence of a recipient shall be determined in accordance with the rules for determining residence prescribed by Article 1 (commencing with Section 23751) of Chapter 3 of Division 18 of this code.

SEC. 40. Section 31226.2 of the Education Code is amended to read:

31226.2. Grants shall be provided for students who display potential for success in accredited curricula offered by the California State University and Colleges, but lack the necessary funds to pay for tuition, books, and room and board, provided such students meet the standards of the state university or college which they are attending or the requirements for the special admissions program established by the trustees.

SEC. 41. Section 31751 of the Education Code is amended to read: 31751. As used in this chapter:

(a) "Educational institution" means a school district of any kind or class, a state university or college, and the University of California.

(b) "Governing board" means the governing board of a school district, the Trustees of the California State University and Colleges, and the Regents of the University of California.

(c) "Member of an athletic team" means member of any extramural athletic team engaged in athletic events on or outside the school grounds, maintained or sponsored by the educational institution or a student body organization thereof. "Member of an athletic team" also includes members of school bands or orchestras, cheerleaders and their assistants, pompom girls, team managers and their assistants, and any student or pupil selected by the school or student body organization to directly assist in the conduct of the athletic event, including activities incidental thereto, but only while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from a school or other place of instruction and the place at which the athletic event is being conducted.

Organized rooting sections, student body members who are spectators, and other spectator students, who are not actually participating in the conduct of the athletic event, are not members of an athletic team. Participants in a playday or field day activity occurring occasionally during a school year, in which students of one or more particular grade levels from two or more schools of a school district participate in athletic contests, are not members of an athletic team. Nothing in this section shall be construed as prohibiting a governing board from extending the applicability of the provisions of this article to any such persons, should the governing board elect so to do.

(d) "Student body organization" means any student organization under supervision of the educational institution or its officers.

SEC. 42. Section 31752 of the Education Code is amended to read: 31752. The governing board of any educational institution, except a school district of any kind or class, shall provide accidental

death insurance in an amount of at least five thousand dollars (\$5,000) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least five thousand dollars (\$5,000) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from school or other place of instruction and the place of the athletic event; provided that the Trustees of the California State University and Colleges and the Regents of the University of California may authorize and require the student body organizations designated pursuant to this section, to be responsible for such medical and hospital expenses in any amount the trustees or the regents may specify, up to two hundred fifty dollars (\$250), in which event such insurance protection for the health and accident expenses may include a deductible clause in the same amount.

The governing board of each school district of any kind or class shall provide accidental death insurance in an amount of at least one thousand five hundred dollars (\$1,500) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in one of the following amounts:

(a) A group or individual medical plan with accidental benefits of at least two hundred dollars (\$200) for each occurrence and major medical coverage of at least ten thousand dollars (\$10,000), with no more than one hundred dollars (\$100) deductible and no less than eighty percent (80%) payable for each occurrence.

(b) Group or individual medical plans which are certified by the Insurance Commissioner to be equivalent to the required coverage of at least one thousand five hundred dollars (\$1,500).

(c) At least one thousand five hundred dollars (\$1,500) for all such medical and hospital expenses.

Insurance protection in either of the above amounts shall be provided through group, blanket or individual policies of accident insurance from authorized insurers or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being

transported by or under the sponsorship or arrangements of the school districts or a student body organization thereof to or from school or other place of instruction and the place of the athletic event. Minimum medical benefits under any insurance required by this paragraph shall be equivalent to the three dollars and fifty cents (\$3.50) conversion factor as applied to the unit values contained in the minimum fee schedule adopted by the Division of Industrial Accidents of the State of California, effective October 1, 1966.

The Trustees of the California State University and Colleges and the Board of Regents of the University of California shall designate such student body organizations as they deem appropriate to bear the entire cost of the insurance under this article, in such proportions as they deem equitable, and shall make appropriate deductions from any such student body organization funds held by such institutions, or otherwise take such measures, as will assure the payment thereof.

The governing boards of the various school districts shall require that each member of an athletic team have insurance protection as prescribed by this section, with the costs of such insurance protection to be paid either out of the funds of the district, the funds of the student body, or by any other persons on behalf of, the individual team members or students covered by such insurance. In the event that the governing board of a school district should determine that a member of an athletic team or the parents, guardians or other person having charge or control of a member of an athletic team are financially unable to pay the costs of such insurance protection, then the governing board shall require the costs of such protection to be paid either out of funds of the district or funds of the student body.

The insurance required by this article shall be issued by an admitted insurer, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code.

The insurance otherwise required by this section shall not be required for any individual team member or student who has such insurance or a reasonable equivalent of health benefits coverage provided for him in any other way or manner, including, but not limited to, purchase by himself, or by his parent or guardian.

SEC. 43. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to

him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of this part or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125.

Nothing in this article shall be construed to prevent the Trustees of the California State University and Colleges from holding executive sessions dealing with site selection for such state universities and colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

SEC. 44. Section 15854.1 of the Government Code is amended to read:

15854.1. The board shall not select or acquire a site for the use of the California State University and Colleges unless, prior to the selection, the trustees have, by resolution, approved of the selection of the site.

SEC. 45. Section 15854.5 of the Government Code is amended to read:

15854.5. To promote the safety of students, comprehensive community planning, and greater educational usefulness of state college sites, the Trustees of the California State University and Colleges, before the board acquires title to property for any such site, shall undertake the following action:

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Trustees of the California State University and Colleges shall notify the Department of Aeronautics, in writing, of the proposed acquisition. The Department of Aeronautics shall make an investigation and report to the trustees within 25 days after receipt of the notice. If the Department of Aeronautics is no longer in operation, the trustees shall, in lieu of notifying the commission, notify the Federal Aviation Agency or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The Trustees of the California State University and Colleges shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the board a written report and its recommendations concerning acquisition of the site. The board shall not acquire title to the property until the report of the trustees has been received. If the report does not favor the acquisition of the property for a state university or college site or an addition to a state university or college site, the board shall not acquire title to the property until 30 days after the trustees' report is received and until

the trustees' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the county in which the property is located.

SEC. 46. Section 18007 of the Government Code is amended to read:

18007. For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, the Board of Control may authorize payment of all or a part of the travel expense of applicants who are called for interview and all or a part of the travel and moving expense of persons who change their place of residence to accept employment with the state. In the case of applicants for employment by the Trustees of the California State University and Colleges, such payments shall be authorized only upon the certification of the trustees that the expenditure is necessary in order to recruit qualified persons needed by the California State University and Colleges. In the case of all other applicants, such payments shall be authorized only upon the certification of the appointing power and the State Personnel Board that the expenditure is necessary in order to recruit qualified persons needed by the state.

If, for reasons that do not meet the approval of the state department concerned, the employee or applicant for employment does not accept or continue such employment for a period of two years, he shall reimburse the state department for such moving and travel expenses for the full or proportionate amount.

For the purposes of this section satisfactory reasons for not completing two years of employment shall be death, prolonged illness, disability, unacceptability of the applicant or employee to the state department, and similar eventualities beyond the control of the applicant or employee.

SEC. 47. Section 18022 of the Government Code is amended to read:

18022. Every state agency in which there are employees not subject to state civil service shall submit to the State Personnel Board all information necessary for determination of the workweek for each employee. For each class or position for which a monthly or annual salary range is established by the Trustees of the California State University and Colleges, the trustees shall establish and adjust workweek groups and shall assign each class or position to a workweek group.

SEC. 48. Section 50330 of the Government Code is amended to read:

50330. Whether governed under general laws or charter, a local agency may donate and grant to the Regents of the University of California or to the Trustees of the California State University and Colleges real property which it owns as a site for university buildings and grounds, or state university or college buildings and grounds, as the case may be. A local agency may expend funds, incur indebtedness, and issue bonds for the acquisition of a site within or

without its boundaries for the purposes of this section.

SEC. 49. Section 50330.4 of the Government Code is amended to read:

50330.4. For the purposes of Section 50330 a local agency may purchase land or options on land or contract for and make downpayments on such land or options on land within or without its boundaries and make a gift of that land, option or contract and downpayment to the Trustees of the California State University and Colleges for development as a state university or college on condition that the entire gift shall revert to the local agency if the state university or college is not established on that site prior to a specific date designated by the local agency and the trustees and the acceptance of such gift by the trustees shall not obligate the expenditure of any state funds for the purchase or acquisition of such land or for development on such land unless the Legislature shall subsequently approve the obligation by appropriating funds for that specific purpose.

SEC. 50. Section 602.10 of the Penal Code is amended to read:

602.10. Every person who, by physical force and with the intent to prevent attendance or instruction, willfully obstructs or attempts to obstruct any student or teacher seeking to attend or instruct classes at any of the campuses or facilities owned, controlled, or administered by the Regents of the University of California, the Trustees of the California State University and Colleges, or the governing board of a community college district or school district maintaining a community college shall be punished by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not exceeding one year, or by both such fine and imprisonment.

As used in this section, "physical force" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to or movement within or otherwise to obstruct the students and teachers of the classes to which the premises are devoted.

SEC. 51. Section 626 of the Penal Code is amended to read:

626. (a) As used in this chapter:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state university or college, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State University and Colleges.

(3) "Community college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "Chief administrative officer" means the president of a state university or college, Chancellor of the California State University

and Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the superintendent of a community college district or a school district maintaining a community college.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

SEC. 52. Section 165 of the Vehicle Code is amended to read:

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State University and Colleges, sheriff's department, or the California Highway Patrol.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire,

ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 53. Any section of any act enacted by the Legislature at its 1972 Regular Session prior or subsequent to the enactment of this act, which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act.

CHAPTER 432

An act to add Section 23129 to the Vehicle Code, relating to vehicles.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 23129 is added to the Vehicle Code, to read:
23129. No person shall drive a motor vehicle upon which is mounted a camper containing any passengers unless there is at least one unobstructed exit capable of being opened from both the interior and exterior of such camper.

CHAPTER 433

An act relating to the establishment of a Regional Criminal Justice Center by the Yosemite Junior College District.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. The Department of General Services may enter into a lease with the Yosemite Junior College District to lease to the district for a period not to exceed 66 years, a parcel consisting of approximately 30 acres of land, more or less, together with improvements thereon, at the site of the Modesto State Hospital, to enable the district, in cooperation with the California Council on Criminal Justice, to construct, operate, and maintain thereat, a Regional Criminal Justice Center, provided that all terms and conditions are in the best interest of the state. Any lease made pursuant to the authority of this act shall reserve to the state the right to construct, operate and maintain upon the leased premises any

facilities or activities compatible with the educational activities of the Regional Criminal Justice Center. Such lease may contain such other conditions, consistent with the purposes of the lease, as are agreed upon by the Department of General Services and the governing board of the Yosemite Junior College District. All terms and conditions of the lease shall be reviewed every five years and adjusted as may be appropriate to the best interests of the state.

CHAPTER 434

An act to amend Section 35406 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 35406 of the Vehicle Code is amended to read:

35406. (a) Except as provided in subdivision (b), the load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of the front tires of the vehicle or the front bumper of the vehicle, if it is equipped with a front bumper.

(b) When the load is composed solely of vehicles, the load upon the front vehicle of a combination of vehicles shall not extend more than four feet beyond the foremost part of the front tires of the vehicle or the front bumper of the vehicle, if it is equipped with a front bumper.

CHAPTER 435

An act to amend Section 29009.5 of, repeal Sections 268 and 6064 of, and to repeal Article 5.6 (commencing with Section 5995) of Chapter 6 and Article 7 (commencing with Section 6499.21) of Chapter 6.5 of Division 6 of, the Education Code, relating to education.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 268 of the Education Code is repealed.

SEC. 2. Article 5.6 (commencing with Section 5995) of Chapter 6 of Division 6 of the Education Code is repealed.

SEC. 3. Section 6064 of the Education Code is repealed.

SEC. 4. Article 7 (commencing with Section 6499.21) of Chapter 6.5 of Division 6 of the Education Code is repealed.

SEC. 5. Section 29009.5 of the Education Code is amended to read:

29009.5. Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the 1st and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year:

(a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California.

(c) The address, including city and street, of the location of the records of the person, firm, association, partnership, or corporation, and the name and address, including city and street, of the custodian of such records.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation.

(e) The school enrollment by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities.

(f) That the following records are maintained at the address stated, and are true and accurate:

(1) The records required to be kept by Section 12154.

(2) The courses of study offered by the institution.

(3) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.

Whenever two or more private schools are under the effective control or supervision of a single administrative unit, such administrative unit may comply with the provisions of this section on behalf of each of the schools under its control or supervision by submitting one report.

Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any school to expressly or impliedly represent by any means whatsoever, that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course unless this is an actual fact.

The Superintendent of Public Instruction shall prepare and

publish a list of private elementary and high schools to include the name and address of the school and the name of the school owner or administrator.

CHAPTER 436

An act to amend Sections 2306, 2307, 2313, and 2315 of, and to repeal Section 2304 of, the Public Resources Code, relating to mining.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 2304 of the Public Resources Code is repealed.

SEC. 2. Section 2306 of the Public Resources Code is amended to read:

2306. The relocation of any lode or placer mining location which is subject to relocation shall be made as an original location is required to be made

SEC. 3. Section 2307 of the Public Resources Code is amended to read:

2307. The failure or neglect of the locator or locators to comply with the requirements of Section 2301, 2302, or 2306 shall render the location null and void, unless such failure or neglect is curable under the provisions of Section 2310, in which event the location shall be voidable.

SEC. 4. Section 2313 of the Public Resources Code is amended to read:

2313. (a) Within 90 days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or millsite claim or location, the locator shall record in the office of the county recorder of the county in which such claim is situated a true copy of the notice together with a statement by the locator of the markings of the boundaries as required by this chapter and the character of such markings, which statement also shall include the section or sections, township, range, and meridian of the United States survey within which all or any part of the claim is located.

Any person who willfully makes a false statement with respect to any mining claim on the posted location notice or on the recorded notice or accompanying statement shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 5. Section 2315 of the Public Resources Code is amended to read:

2315. (a) Whenever labor is performed and improvements are made as required by law upon any mining claim, the person in whose behalf such labor was performed or improvements made, or someone in his behalf, shall, within 30 days after the time limited by law for performing such labor or making such improvements, make and have recorded by the county recorder in books kept for that purpose, in the county in which the mining claim is situated, an affidavit setting forth:

- (1) The name of the claim.
- (2) A reference by book and page to the public record of the notice of location of the claim and, if amended, of the last recorded amendment thereof.
- (3) The section or sections, township, range, and meridian of the United States survey within which all or any part of the claim is located.
- (4) A description of the labor and improvements performed or made upon or for the benefit of the claim for which the proof is made, the value of each such item, and the dates on which or the period of time within which the same was performed or made.
- (5) The name, current mailing address and current residence address of the person who makes the proof and of the owner of the claim, as known to the affiant.
- (6) A statement that the claim is held and claimed by the owner, or the person making the proof if he is entitled to possession thereof, for the valuable mineral contained therein.
- (7) The name and address of the person who performed or made the work and improvements described in the affidavit, as known to the affiant.
- (8) A statement that all monuments required by law to have been erected upon the claim and all notices required by law to have been posted on the claim or copies thereof were in place at a date within the assessment year for which the affidavit is made and a statement of the date.
- (9) A statement that at such date each corner monument bore or contained marking sufficient to appropriately designate the corner of the mining claim to which it pertains and the name of the claim.

(b) The affidavit so recorded as required by subdivision (a) of this section, or a copy thereof duly certified by the county recorder, shall be prima facie evidence of the performance of the labor and the making of the improvements as stated in the affidavit.

(c) The neglect or failure of the owner of any mining claim to record or cause to be recorded within the time allowed by this section an affidavit containing the statements required by subdivision (a) of this section shall create a prima facie presumption of the act and intent of the owner to abandon such claim at the end of the assessment year within which the labor should have been performed or the improvements made under the laws of the United States, and also shall throw the burden of proof upon the owner or owners of such claim to show that such labor has been performed and

that such improvements have been made in any contest, suit or proceeding touching the title to the claim, except that in the event the affidavit is executed and recorded by anyone other than an owner within the 30-day period, and the owner apprehends that there are deficiencies in the recorded affidavit, he may supplement and furnish the same by further affidavit to comply with the section and may record such supplemental affidavit within 30 days following the last day of the 30-day period after the time limited by law for performance of the work or making of improvements, and thereby obtain the prima facie evidence of performance of labor and making of improvements above provided, and avoid the prima facie presumption of abandonment and the burden of proving the performance of labor and making of improvements required by law.

(d) Any person who willfully makes a false statement with respect to any mining claim on the affidavit of labor or improvements required by subdivision (a) or on the supplementary affidavit permitted by subdivision (c) shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

CHAPTER 437

An act to amend Section 23330 of the Vehicle Code, relating to vehicular crossings.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 23330 of the Vehicle Code is amended to read:

23330. Except where a special permit has been obtained from the Department of Public Works under the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15, none of the following shall be permitted on any vehicular crossing:

(a) Animals while being led or driven, even though tethered or harnessed.

(b) Bicycles, unless the department by signs indicates that bicycles are permitted upon all or any portion of the vehicular crossing.

(c) Vehicles carrying explosives in any amount or carrying more than 10 gallons of corrosive liquids.

(d) Vehicles having a total width of vehicle or load exceeding 102 inches.

(e) Vehicles carrying items prohibited by regulations promulgated by the Department of Public Works.

CHAPTER 438

An act to add Article 1.5 (commencing with Section 14411) to Chapter 3 of Division 6 of the Business and Professions Code, relating to trade names.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Article 1.5 (commencing with Section 14411) is added to Chapter 3 of Division 6 of the Business and Professions Code, to read:

Article 1.5. Trade Name Registration

14411. The filing of any fictitious business name statement by a person required to file such statement pursuant to Section 17910 shall establish a rebuttable presumption that the registrant has the exclusive right to use as a trade name the fictitious business name, as well as any confusingly similar trade name, in the county in which the statement is filed, if the registrant is the first to file such a statement containing the fictitious business name in that county, and is actually engaged in a trade or business utilizing such fictitious business name or a confusingly similar name in that county.

The rebuttable presumption created by this section shall be one affecting the burden of producing evidence.

14412. The rebuttable presumption created by Section 14411 shall be applicable until the fictitious business name statement is abandoned pursuant to Section 17922, or otherwise expires pursuant to Section 17920, and no new fictitious business name statement has been filed by the registrant, or in the case of any assignment or transfer no original fictitious business name statement has been filed by the assignee or transferee.

14413. For purposes of Section 14411 a fictitious business name statement filed after January 1, 1971, and deemed filed on July 1, 1971, under Section 8 of Chapter 618 of the 1970 Statutes shall be considered filed at the time a certificate was first filed under Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code, as it existed on the effective date of the filing, provided that the certificate had not expired prior to the filing under Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code.

14414. Nothing in this chapter shall be construed to require or prohibit the filing in any county of any fictitious business name

statement if such filing is not required or prohibited by Section 17910.

14415. The filing of articles of incorporation pursuant to Section 308 of the Corporations Code, in the case of a domestic corporation, or the obtaining of a certificate of qualification pursuant to Corporations Code Sections 6403 and 6403.1, in the case of a foreign corporation, shall establish a rebuttable presumption that the corporation has the exclusive right to use as a trade name, in the state the corporate name set forth in such articles or certificate, as well as any confusingly similar trade name, if the corporation is the first to have filed such articles or obtained such certificate containing the corporate name, and is actually engaged in a trade or business utilizing such corporate name or a confusingly similar name.

If a foreign corporation continued to have authority to transact intrastate business pursuant to Section 6403.2 of the Corporations Code, the foreign corporation shall be considered to have obtained its certificate of qualification pursuant to law for the purposes of this section on the date it first qualified to transact intrastate business in this state.

The rebuttable presumption created by this section shall be one affecting the burden of producing evidence.

14416. If, as to the same or a confusingly similar trade name, in a county, there are both a corporation entitled to the rebuttable presumption created by Section 14415 and a registrant entitled to the benefit of the presumption created by Section 14411, whichever has filed the fictitious business name statement, filed the articles of incorporation, or obtained the certificate of qualification first in time, and is actually engaged in a trade or business utilizing such fictitious business name, such corporate name, or a confusingly similar name, shall be entitled to the presumption as against the other, that he has the exclusive right to use such fictitious business name, or such corporate name, or a confusingly similar name, as a trade name in the county where the registrant has filed his fictitious business name statement.

CHAPTER 439

An act to add Chapter 11 (commencing with Section 186) to Division 1 of the Probate Code, relating to bequests to minors.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Chapter 11 (commencing with Section 186) is added to Division 1 of the Probate Code, to read:

CHAPTER 11. BEQUESTS TO MINORS

186. A testator may bequeath securities, money, life or endowment policies, and annuity contracts, as such terms are defined or used in the California Uniform Gifts to Minors Act (Article 4 (commencing with Section 1154) of Chapter 3 of Title 4 of Part 4 of Division 2 of the Civil Code), to a person who is a minor as provided in this chapter.

186.1. If a testator provides in his will that a bequest shall be paid or delivered to a custodian subject to the California Uniform Gifts to Minors Act, then, all of the provisions of that act including, but not limited to, the provisions of such act as to definitions and the respective powers, rights and immunities therein contained, shall be applicable to such bequest, during the period prior to distribution of the property.

186.2. The bequest shall be to a designated adult person or a trust company qualified to do business in this state with the words, in substance "as custodian for (name of minor) under the California Uniform Gifts to Minors Act." Failure to name a qualified custodian shall not invalidate the bequest as a bequest permitted by this chapter. A variation in the wording of the bequest from the wording set forth in this section shall be disregarded if the testator's intent to make a bequest pursuant to this chapter appears from the will as a whole or the wording of the bequest.

186.3. Unless the will clearly requires otherwise, a bequest which does not comply with the provisions of Sections 186, 186.1 and 186.2, or a bequest to a person who becomes an adult prior to the order for distribution, shall be deemed to be a direct bequest to the person named as the minor for whom the property was to be held.

186.4. If a testator provides for such bequest to be paid or delivered as provided in this chapter, the executor or administrator of his estate, upon entry of an order for distribution, shall make distribution pursuant to the order of distribution by transferring the bequeathed property in the form and manner provided by the California Uniform Gifts to Minors Act.

186.5. The testator in his will may provide for successor or alternate custodians, and specify the standard of compensation of the custodian.

186.6. If a vacancy in the custodianship exists prior to full distribution of the bequest by the executor or administrator, a successor custodian shall be appointed for any undistributed property in the manner provided by the California Uniform Gifts to Minors Act.

186.7. Except as otherwise provided in the will or ordered by a court, each custodian designated in the will and the person for whom the property is to be held shall be deemed a legatee for the purpose of receiving notices which may be required or permitted to be sent to a legatee in the estate of the testator. Unless required by the will or ordered by the court a custodian shall not have a duty to

participate in the proceedings in the estate on behalf of the minor, and in no event shall he have a duty to so participate unless and until he has filed a written notice of acceptance of the office of custodian with the clerk of the court in which administration of the estate of the testator is pending.

186.8. Until distribution of the property pursuant to an order of distribution is completed, the court in which administration of the estate of the testator is pending shall have exclusive jurisdiction over all proceedings and matters concerning undistributed property, including, but not limited to, the appointment, declination, resignation, removal, bonding, compensation of, and delivery or transfer of the undistributed property to a custodian. After distribution of any property is completed, such court shall have no further jurisdiction over the property so distributed, and such property shall be held subject to the California Uniform Gifts to Minors Act in the same manner as if it had been a lifetime gift.

186.9. This chapter shall not be construed as providing an exclusive method for making bequests to or for the benefit of minors.

CHAPTER 440

An act to add Section 1162.5 to the Civil Code, relating to gifts to minors.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 1162.5 is added to the Civil Code, to read:

1162.5. Subject to the power of the court to transfer actions and proceedings as provided in the Code of Civil Procedure, a petition filed under this article shall be heard and proceedings thereon held in the superior court in the proper county, which shall be determined as follows:

(a) If the minor resides in this state, in the county where such minor resides.

(b) If the minor does not reside within this state, then in any of the following counties:

(1) Where the donor resides.

(2) Where the estate of a deceased or legally incapacitated custodian or successor custodian is being administered.

(3) Where a parent of such minor resides.

(c) If neither the minor, nor the donor, nor any parent resides, within this state, and no estate of a deceased or legally incapacitated custodian or successor custodian is being administered within this state, in any county.

CHAPTER 441

An act to amend Sections 1063, 3604, 3623, and 5135 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 1063 of the Public Utilities Code is amended to read:

1063. No highway common carrier, cement carrier, or petroleum irregular route carrier, shall begin to operate any autotruck, or other self-propelled vehicle, for the transportation of property for compensation on any public highway in this state without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. No such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any city or three miles from the post office of any unincorporated point. The commission shall grant a certificate to operate as a cement carrier to any cement carrier as to the counties to and within which it was actually transporting cement as a cement carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement carrier applies to the commission for such certificate prior to December 31, 1963, and submits adequate proof of such prior operations. The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin. Any right, privilege, franchise, or permit held, owned, or obtained by any highway common carrier, cement carrier, or petroleum irregular route carrier, may be sold, leased, transferred, or inherited as other property, only upon authorization by the commission.

No certificate shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State

of California as a foreign corporation at the time of filing the application.

SEC. 2. Section 3604 of the Public Utilities Code is amended to read:

3604. Before a permit is issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission may, with or without hearing, issue or refuse to issue the permit. If the commission finds that the applicant possesses the ability and financial responsibility to initiate the proposed operations, it shall issue a permit as prayed for.

No permit shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State of California as a foreign corporation at the time of filing the application.

SEC. 3. Section 3623 of the Public Utilities Code is amended to read:

3623. Before a permit to operate as a cement contract carrier is issued the commission shall require the applicant to establish by a preponderance of evidence:

(a) That he is a fit and proper person to receive a permit to operate as a cement contract carrier.

(b) That he has sufficient operating and financial ability to initiate and continue the proposed operation.

(c) That the privilege sought:

(1) Will not endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of them, directly or indirectly.

(2) Will not unnecessarily burden the public highways.

(3) Will not impair the ability of presently certificated cement carriers or permitted cement contract carriers to provide or to continue to provide adequate services as such, at the lowest possible reasonable rates.

No permit shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State of California as a foreign corporation at the time of filing the application.

If the commission finds that the applicant has established all of the foregoing, then a permit may be granted upon such limitations, terms and conditions as the commission prescribes; otherwise it shall refuse to issue the permit requested.

In determining whether or not a permit shall be granted the commission shall accept all evidence relevant to any of the foregoing requiring proof, including, but not limited to evidence offered by any shipper or receiver of the commodities proposed to be transported by such applicant and by previously certificated or authorized cement carriers or cement contract carriers authorized or permitted to offer a service competitive with that proposed by the applicant. If the applicant was operating in good faith as a cement contract carrier within one year prior to June 1, 1963, and continuously thereafter, the commission shall grant a permit to such applicant to operate as a cement contract carrier as to the counties to and within which it was actually transporting cement as a cement contract carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement contract carrier applies to the commission for such permit prior to December 31, 1963, and submits adequate proof of such prior operations. The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin.

SEC. 4. Section 5135 of the Public Utilities Code is amended to read:

5135. Except as provided in Section 5135.5, before a permit is hereafter issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission shall require the applicant to establish his knowledge and ability to engage in business as a household goods carrier by examination. The examination may be written or oral, or in the form of a demonstration of skill or any combination of these, and any investigation of character, experience and any tests of technical knowledge and manual skill which the commission deems are appropriate may be employed. In any examination the qualification of the applicant shall be determined by an appraisal made by a member of the commission's staff. An applicant who has been determined to be unqualified may thereafter establish his qualifications through a subsequent examination; but no subsequent examination shall be taken prior to three (3) months from the date when such applicant was found to be unqualified. When the staff member shall determine that the applicant is not qualified, then the matter shall be set for hearing and the qualification of the applicant shall be determined by the commission on the basis of evidence of qualifications presented at such hearing, which evidence may include consideration of any written examination of the applicant. When the staff member shall determine that the applicant is qualified, a permit may issue without

hearing unless the commission shall consider a hearing desirable, in which event the application may be set for hearing by the commission.

An applicant may qualify in the following ways: (a) if an individual, he may qualify by personal examination or by examination of his responsible managing employee; (b) if a copartnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer or member of the personnel of such applicant firm. If the individual qualified by examination ceases to be connected with the permitholder, said permitholder shall notify the commission in writing within 30 days after such cessation. If notice is given the permit shall remain in force a reasonable length of time in order that another representative of applicant may be qualified before the Public Utilities Commission. If the permitholder fails to notify the commission of such cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

The commission may refuse to issue a permit if it shall be shown that an applicant or an officer, director, partner or associate thereof has committed any act constituting dishonesty or fraud; committed any act which, if committed by a permitholder would be grounds for a suspension or revocation of the permit; misrepresented any material fact on his application; or, committed a felony, or crime involving moral turpitude.

The commission shall issue a permit only to those applicants who it finds have demonstrated that they possess sufficient knowledge, ability, integrity and financial resources and responsibility to perform the service within the scope of their application.

No permit shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State of California as a foreign corporation at the time of filing the application.

The commission shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

CHAPTER 442

An act to amend Section 1714.1 of the Civil Code, relating to willful misconduct.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 1714.1 of the Civil Code is amended to read:
1714.1. Any act of willful misconduct of a minor which results in injury or death to another person or in any injury to the property of another shall be imputed to the parents having custody or control of the minor for all purposes of civil damages, and such parents having custody or control shall be jointly and severally liable with such minor for any damages resulting from such willful misconduct.

The joint and several liability of one or both parents having custody or control of a minor under this section shall not exceed two thousand dollars (\$2,000) for each tort of the minor, and in the case of injury to a person, such imputed liability shall be further limited to medical, dental and hospital expenses incurred by such injured person, not to exceed two thousand dollars (\$2,000). The liability imposed by this section is in addition to any liability now imposed by law.

CHAPTER 443*An act to amend Section 26559 of the Health and Safety Code, relating to bread loaves.*

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 26559 of the Health and Safety Code is amended to read:

26559. (a) Any food for which no standard of identity exists is misbranded if it is fabricated from two or more ingredients, unless it bears a label clearly stating the common or usual name of each ingredient in descending order of predominance by weight. Any spice, flavoring, or coloring, except any spice, flavoring, or coloring sold as such, may be designated as spice, flavoring, or coloring without naming each.

Exemptions may be established by the department, when compliance with any requirement of this subdivision is impractical or results in deception or unfair competition.

(b) Whenever any bread is wrapped, in any wrapping, for sale

through retail outlets, there shall appear on the body of the wrapping or on the insert band a list specifying each ingredient in the bread in the order of predominance, by weight, of each such ingredient. This subdivision shall not be construed to require the listing of ingredients constituting less than 1 percent of the weight of the bread.

This subdivision does not apply to bread which is sold on the premises upon which it is baked.

SEC. 2. This act shall become operative one year after its effective date.

CHAPTER 444

An act to amend Section 296.41 of the Probate Code, relating to simultaneous death.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 296.41 of the Probate Code is amended to read:

296.41. When it is claimed that, in accordance with the provisions of this chapter, any persons have died under circumstances where there is no sufficient evidence that they have died otherwise than simultaneously, the executor or administrator of any such person, or any other person interested in the estate of any such person, may file a petition, in the estate proceeding where he received his appointment, or in which he claims an interest, seeking to have it determined that such persons died under circumstances where there is no sufficient evidence that they died otherwise than simultaneously. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Sections 1200 and 1201 of this code, and, in addition, such notice shall be personally served at least 10 days before the date of the hearing upon the executor or administrator of each other person claimed to have so died. If the representative of any such other person is also the petitioner then, in lieu of personal service upon him, such notice shall be mailed to the heirs and devisees of such other person, so far as they are known to the petitioner, at least 10 days before the date of hearing.

CHAPTER 445

An act to amend Section 25413.7 of, and to add Section 25413.8 to, the Education Code, relating to community college governing boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 25413.7 of the Education Code is amended to read:

25413.7. (a) The members of the governing board of any district maintaining a community college, except a unified district having an average daily attendance of 100,000 or more as of October, 1971, shall call an election for the purpose of determining whether the members shall continue to serve also as members of the governing board of any unified school district having boundaries which are coterminous with the boundaries of the community college district. The election shall be held at the general election in accordance with the provisions of this code for conducting a regular election of governing board members. The ballots used in such election shall contain the words "Separate Community College Board—Yes" and "Separate Community College Board—No." Each elector voting at the election shall indicate the answer he desires to give in accordance with regular election procedures.

(b) If the proposition receives a majority "yes" vote, then those persons who serve as members of the governing boards of both a community college district and any such unified school district shall, on or before December 31, 1972, choose on which of the two boards they will continue to serve. Those persons who choose to serve as members of either the governing board of a community college district or the governing board of any such unified school district shall continue to serve also as members of the governing board from which they have chosen to withdraw until their successors on such boards are elected, or appointed after December 31, 1972, and have assumed office.

SEC. 2. Section 25413.8 is added to the Education Code, to read:

25413.8. (a) The members of the governing board of any unified district which has an average daily attendance of 100,000 or more as of October, 1971, and which maintains a community college shall call an election for the purpose of determining whether the members shall continue to serve also as members of the governing board of any unified school district having boundaries which are coterminous with the boundaries of the community college district. The election shall be held at the general election in accordance with the provisions of this code for conducting a regular election of governing board members. The ballots used in such election shall contain the words "Separate Community College Board—Yes" and "Separate

Community College Board—No.” The governing board of the district maintaining a community college shall prepare an impartial statement explaining the ballot measures and the expected results of continuing a common governing board or establishing two separate boards and such statement shall be distributed to the voters with the sample ballot and “pro” and “con” arguments, if any, as provided by law. Each elector voting at the election shall indicate the answer he desires to give in accordance with regular election procedures.

(b) If the proposition for a separate community college governing board receives a majority “yes” vote then those persons who serve as members of the governing boards of both a community college district and any such unified school district shall, on or before December 31, 1972, choose on which of the two boards they will continue to serve. Those persons who choose to serve as members of either the governing board of a community college district or the governing board of any such unified school district shall continue to serve also as members of the governing board from which they have chosen to withdraw until their successors on such boards are elected after December 31, 1972, and have assumed office. If the city charter of the city in which the unified school district is located in whole or in part governs the appointment, nomination, or election of members of the governing board of the unified school district, the new governing board of the community college district also shall be governed by such city charter so that the separate governing boards of both the unified and community college districts after December 31, 1972, shall be appointed or nominated and elected at the same elections, under the same conditions and for the same terms of office set forth in such city charter.

(c) The election of the members of the first community college governing board shall be conducted no later than the next election held for the nomination and election of governing board members of the unified district and under the same conditions and for the same terms of office pursuant to city charter except as set forth below. Prior to such elections, and only for those elections, the governing board of the unified district shall designate three positions on the new community college district governing board for which the initial term of office shall be four years and two positions for which the initial term of office shall be two years. Thereafter, all elections of the governing board members of the community college district shall be held under the same conditions, at the same times, and for the same terms as elections for the unified district governing board pursuant to city charter. The governing board of the unified district shall continue to govern the community college district until members of the new governing board of the community college district are elected and qualified to serve, at which time the governance of the community college district shall pass to the new governing board of the community college district.

(d) The governing board of the unified district may, if it deems such action appropriate, call two special elections within the

community college district prior to the dates set forth by law for the primary and general elections of members of the governing board of the unified district, for the purpose of permitting the people of the community college district to nominate and elect governing board members of the community college district at the earliest possible time after the November 7, 1972, election. If such special primary and general elections are called, the governing board of the unified district shall designate for such elections, and only for such elections, (1) three positions on the new community college district governing board for which the initial term of office shall be four years plus the necessary number of days to allow such term to end on the same date as the end of the term of a member of the unified district governing board whose term expires in December, 1977, and (2) two positions on the new community college district governing board for which the initial term of office shall be two years plus the necessary number of days to allow such term to end on the same date as the end of the term of a member of the unified district governing board whose term expires in December, 1975. Such elections shall be held, insofar as possible, under the same conditions as elections for the unified district governing board pursuant to a city charter. Thereafter, all elections of governing board members of the community college district shall be held under the same conditions, at the same times, and for the same terms as elections for the unified district governing board pursuant to a city charter. The governing board of the unified district shall continue to govern the community college district until members of the new governing board of the community college district are elected and qualified to serve, at which time the governance of the community college district shall pass to the new governing board of the community college district.

(e) Each member of the separate governing board of the community college district shall receive the same compensation as received by members of the separate governing board of the unified district under Section 1231, notwithstanding any requirements to the contrary contained in such section.

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

Chapter 917 of the Statutes of 1971 requires a governing board of any district maintaining a community college to call an election on November 7, 1972, to inquire whether or not the voters desire a separate governing board for the community college district. If the voters vote "yes," certain procedures are specified for the appointment and election of the new community college district governing board. These procedures are incomplete and inadequate for application to a community such as San Diego where school board members traditionally are nominated and elected in the fall of odd numbered years pursuant to the city charter. To bring Chapter 917 into line with the city charters, where applicable, and make other

desirable changes, it is necessary that this act take effect immediately.

CHAPTER 446

An act to amend Section 3771 of the Public Utilities Code, relating to carriers.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 3771 of the Public Utilities Code is amended to read:

3771. (a) The commission may, at the request of any highway permit carrier, suspend the operating permit of the carrier for a period of time not to exceed one year during which it is unlawful for the carrier to conduct any operations as a highway permit carrier. The commission shall not grant consecutive suspensions to any highway permit carrier.

(b) Any highway permit carrier whose operating permit is suspended under this section shall pay to the commission a permit suspension fee of fifty dollars (\$50). Any amounts collected under this section shall be deposited in the Transportation Rate Fund.

CHAPTER 447

An act to amend Section 11000.1 of the Business and Professions Code, relating to subdivision of lands.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 11000.1 of the Business and Professions Code, as added by Chapter 1285, Statute of 1971, is amended to read:

11000.1. (a) "Subdivided lands" and "subdivision," as defined by Sections 11000, 11000.5, and 11004.5, also includes improved or unimproved land or lands, lot or lots, or parcel or parcels, of any size, in which, for the purpose of sale or lease or financing, whether immediate or future, five or more undivided interests are created or are proposed to be created.

(b) This section shall not apply to the creation or proposed creation of undivided interests in land if any one of the following conditions exist:

(1) The undivided interests are held or to be held by persons related one to the other by blood or marriage.

(2) The undivided interests are to be purchased and owned solely by persons who present evidence satisfactory to the Real Estate Commissioner that they are knowledgeable and experienced

investors who comprehend the nature and extent of the risks involved in the ownership of these interests. The Real Estate Commissioner shall grant an exemption from the provisions of this part if the undivided interests are to be purchased by no more than 10 persons, each of whom furnishes a signed statement to the commissioner that he (1) is fully informed concerning the real property to be acquired and his interest therein including the risks involved in ownership of undivided interests, and (2) is purchasing the interest or interests for his own account and with no present intention to resell or otherwise dispose of the interest for value, and (3) expressly waives protections afforded to a purchaser by the provisions of this part.

(3) The undivided interests are created as the result of a foreclosure sale.

(4) The undivided interests are created by a valid order or decree of a court.

(5) The offering and sale of the undivided interests have been expressly qualified by the issuance of a permit from the California Commissioner of Corporations pursuant to the Corporate Securities Act or from the California Real Estate Commissioner under the Real Estate Syndicate Act.

(6) The undivided interests to be sold or leased are in real property improved with a residential, commercial or industrial structure or structures, and the current assessed value of the land does not exceed the current assessed value of the structures thereon.

CHAPTER 448

An act to amend Section 562 of the Welfare and Institutions Code, relating to juvenile court.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 562 of the Welfare and Institutions Code, as amended by Chapter 532 of the Statutes of 1971, is amended to read:

562. Subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of any and all cases wherein a minor under the age of 18 years as of the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony, or a violation of subdivision (m) of Section 602 of the Penal Code, or a violation of the Fish and Game Code not declared to be a felony, or a violation of any of the equipment and registration provisions of the Harbors and Navigation Code, or a violation of any provision of an ordinance of a city or county relating to traffic offenses or a violation of Section 126 or 27176 of the Streets and Highways Code.

CHAPTER 449

An act to amend and renumber Section 480 of the Penal Code, as added by Chapter 1256 of the Statutes of 1963, relating to forgery of letters.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 480 of the Penal Code, as added by Chapter 1256 of the Statutes of 1963, is amended and renumbered to read:

538a. Every person who signs any letter addressed to a newspaper with the name of a person other than himself and sends such letter to the newspaper, or causes it to be sent to such newspaper, with intent to lead the newspaper to believe that such letter was written by the person whose name is signed thereto, is guilty of a misdemeanor.

CHAPTER 450

An act to amend Section 1181 of the Penal Code, relating to criminal procedure.

[Approved by Governor July 21, 1972. Filed with
Secretary of State July 21, 1972.]

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

SECTION 1. Section 1181 of the Penal Code is amended to read:
1181. When a verdict has been rendered or a finding made against the defendant, the court may, upon his application, grant a new trial, in the following cases only:

1. When the trial has been had in his absence except in cases where the trial may lawfully proceed in his absence;
2. When the jury has received any evidence out of court, other than that resulting from a view of the premises, or of personal property;
3. When the jury has separated without leave of the court after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented;
4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors;

5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial, and when the district attorney or other counsel prosecuting the case has been guilty of prejudicial misconduct during the trial thereof before a jury;

6. When the verdict or finding is contrary to law or evidence, but if the evidence shows the defendant to be not guilty of the degree of the crime of which he was convicted, but guilty of a lesser degree thereof, or of a lesser crime included therein, the court may modify the verdict, finding or judgment accordingly without granting or ordering a new trial, and this power shall extend to any court to which the cause may be appealed;

7. When the verdict or finding is contrary to law or evidence, but in any case wherein authority is vested by statute in the trial court or jury to recommend or determine as a part of its verdict or finding the punishment to be imposed, the court may modify such verdict or finding by imposing the lesser punishment without granting or ordering a new trial, and this power shall extend to any court to which the case may be appealed;

8. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all circumstances of the case, may seem reasonable.

9. When the right to a phonographic report has not been waived, and when it is not possible to have a phonographic report of the trial transcribed by a stenographic reporter as provided by law or by rule because of the death or disability of a reporter who participated as a stenographic reporter at the trial or because of the loss or destruction, in whole or in substantial part, of the notes of such reporter, the trial court or a judge, thereof, or the reviewing court shall have power to set aside and vacate the judgment, order or decree from which an appeal has been taken or is to be taken and to order a new trial of the action of proceeding.

CHAPTER 451

An act to add Section 4606 to the Labor Code, relating to workmen's compensation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Section 4606 is added to the Labor Code, to read:

4606. Any county, city and county, city, school district, or other public corporation within the state which was a self-insured employer under the "Workmen's Compensation, Insurance and Safety Act," enacted by Chapter 176 of the Statutes of 1913, may provide such medical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, including artificial members, which is reasonably required to cure or relieve from the effects of an injury to a former employee who was covered under such act, without regard to the 90-day limitation of subdivision (a) of Section 15 of such act for medical treatment. The provisions of this section shall not be operative in any such county, city and county, city, school district, or other public corporation unless adopted by a resolution of the governing body of such public entity.

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

Persons who have workmen's compensation awards dated prior to 1917 are being denied medical benefits under the Workmen's Compensation Act. This act is necessary to ensure that they will immediately be able to receive such medical benefits.

 CHAPTER 452

An act to add Article 6 (commencing with Section 12095) to Chapter 5 of Division 9 of the Education Code, relating to industrial education work stations and safety.

[Approved by Governor July 21, 1972. Filed with Secretary of State July 21, 1972.]

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

SECTION 1. Article 6 (commencing with Section 12095) is added to Chapter 5 of Division 9 of the Education Code, to read:

Article 6. Industrial Education Work Stations and Safety

12095. A basic work station in industrial education is defined as an assigned location where a student normally spends the majority of his class time performing the operational functions necessary to meet the performance objectives and goals of the course, including industrial safety education. For these purposes, the number of students in any industrial education facility or laboratory in elementary and secondary programs shall not exceed the number of basic work stations designed for the number of students assigned, as determined by the local governing board of the school district.

CHAPTER 453***An act to amend Section 23512 of the Elections Code, relating to nomination petitions.***

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 23512 of the Elections Code is amended to read:

23512. Forms for petitions required for nomination to all district offices shall be obtained from either the district secretary's office or the office of the county clerk. The forms shall first be available on the 89th day prior to the general district election and shall be filed not later than 5 p.m. on the 64th day prior to the general district election in the office of the county clerk during regular office hours or may be filed by certified mail so that the forms reach the clerk's office no later than the deadline for filing in that office. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form shall be marked "Official Filing Petition" and signed by either the secretary or the county clerk. The petition shall be signed by not less than 10 nor more than 20 voters or by not less than 25 percent nor more than 50 percent of the voters if the same be less than 40. The county clerk shall record the date of filing upon the first page of each petition filed pursuant to this section. No candidate shall withdraw his nomination paper after 5 p.m. on the 54th day prior to the general district election.

On request of the district secretary, the county clerk shall provide the secretary a copy of each nominating petition filed pursuant to this section.

CHAPTER 454

An act to amend Section 668 of, and to add Section 663.6 to, the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 663.6 is added to the Harbors and Navigation Code, to read:

663.6. Every vessel subject to this chapter, if under way and lawfully ordered to stop and lie to by a peace officer or harbor policeman authorized to enforce the provisions of this chapter who is either in a uniform of a law enforcement agency or the harbor police or in a vessel that is distinctly marked as belonging to a law enforcement agency or to the harbor police, shall stop immediately and lie to, or shall maneuver in such a way as to permit the peace officer or harbor police vessel to come alongside.

SEC. 2. Section 668 of the Harbors and Navigation Code is amended to read:

668. (a) Any person who violates any provisions of Section 652, 654, or 659 and any manufacturer or importer who violates Section 653 or any regulations adopted by the department pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars (\$50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

(b) Any person who violates any provisions of subdivision (a) or (b) of Section 658 or of Section 663.6 is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars (\$100) for each violation.

(c) Any person who violates any provision of Section 652.5, 655, or 656, or subdivision (d) or (e) of Section 658 or any special rules and regulations adopted by the department pursuant to the provisions of subdivision (b) or (c) of Section 660 is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars (\$500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

CHAPTER 455

An act to amend Sections 5535, 5538, 5549, 5553, 5556, and 5559 of, to add Section 5542.5 to, and to repeal Section 5550 of, the Public Resources Code, relating to regional park districts.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 5535 of the Public Resources Code is amended to read:

5535. The board of directors shall choose one of its members president, and another vice president, who shall act for the president during his absence or disability. The board of directors shall also choose one of its members to serve as secretary and another to serve as treasurer. The board shall provide for the time and place of holding its meetings, which shall be held at least once each month. All legislative sessions of the board, whether regular or special, shall be open to the public. A majority of the board constitutes a quorum for the transaction of business.

SEC. 2. Section 5538 of the Public Resources Code is amended to read:

5538. The board shall appoint a general manager, who shall be the chief administrative officer of the district, and a controller, and may appoint other subordinate officers, and shall fix their compensation and duties. Such appointees shall hold office at the pleasure of the board. They shall give such bonds and in such amounts as the board may require. The board may consolidate any of such offices in one person. The board may also provide for an assistant to any officer of the district, who, when appointed by the board, may perform any act that his principal may perform, when authorized so to do by the board.

The board may from time to time contract for or employ any professional services required by the district, or by the board, or by any officers of the district.

SEC. 3. Section 5542.5 is added to the Public Resources Code, to read:

5542.5. (a) Notwithstanding any other provision of law to the contrary, and except as provided in subdivision (b), when property, whether owned in fee or lesser title interest, leased, or operated under a license, management agreement, or otherwise, is appropriated or otherwise acquired for public use as a regional park operated by a regional park district, there is a rebuttable presumption of its having been appropriated or otherwise acquired for the best and most necessary public use. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) When such property is sought to be acquired for city or county

road, street, or highway purposes, and such property was dedicated to or established for park or recreational purposes prior to the initiation of road, street, or highway route location studies, an action for declaratory relief may be brought by the district in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after publication by the city or county, as the case may be, in a newspaper of general circulation pursuant to Section 6061 of the Government Code, and delivery of a written notice to the district by the city or county that a proposed route or site or an adopted route includes such property. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action with respect to such property being sought for city or county road, street, or highway purposes may not be brought pursuant to this section, the provisions of subdivision (a) shall not apply.

SEC. 4. Section 5549 of the Public Resources Code is amended to read:

5549. The general manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the general manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding two thousand dollars (\$2,000). All purchases shall be reported to the board of directors at its next regular meeting.

SEC. 4.5. Section 5549 of the Public Resources Code is amended to read:

5549. The general manager has the following administrative and executive functions, powers, and duties. He shall:

(a) See that the provisions of this article and all ordinances and regulations of the district are enforced.

(b) Exercise supervision and control over all departments and offices of the district.

(c) Attend all meetings of the board unless excused by the board.

(d) Submit to the board for adoption such measures, ordinances, and regulations as he deems necessary or expedient.

(e) See that all terms and conditions imposed in favor of the district or its inhabitants in any contract are faithfully kept and performed, and call any violations to the attention of the board and to the police department.

(f) Prepare and submit the annual budget to the board, and perform such other duties as may be imposed by this article or by the board.

With the approval of the board, the general manager may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration furnished to the district, in amounts not exceeding three thousand five hundred dollars (\$3,500). All purchases shall be reported to the board of directors at its next regular meeting.

SEC. 5. Section 5550 of the Public Resources Code is repealed.

SEC. 6. Section 5553 of the Public Resources Code is amended to read:

5553. The controller shall install and maintain a system of auditing and accounting, which will completely and at all times show the financial condition of the district. He shall draw all warrants to pay claims made against the district after the claims have been first approved by a majority of the board at a meeting thereof, and he shall perform such other duties as may be imposed upon him by this article or by the board or by the general manager.

SEC. 7. Section 5556 of the Public Resources Code is amended to read:

5556. The board may appoint, employ, or contract for the services of attorneys, consultants, advisers, and such other experts as they deem necessary, and shall authorize the appointment or employment by the general manager of such assistants, deputies, and other appointees and employees as may be deemed necessary by the board to carry out the purposes of this article, and the board shall determine the duties and compensation, or basis of compensation, of all such persons.

SEC. 8. Section 5559 of the Public Resources Code is amended to read:

5559. The board may adopt regulations, and it shall cause the regulations made by it to be posted upon park or other property of the district to which they apply, and it shall cause them to be published at least once in a newspaper published in the county or counties within which the district is in whole or in part situated, and such posting and publication shall be sufficient notice to all persons.

The affidavit of the general manager or the secretary that the

district rules and regulations have been so posted and published is prima facie evidence thereof. A copy of the rules and regulations, attested by any member of the board or by its secretary shall be prima facie evidence that the rules and regulations have been made by the board as provided by law.

SEC. 9. It is the intent of the Legislature, if this bill and Assembly Bill No. 61 are both chaptered and amend Section 5549 of the Public Resources Code, and this bill is chaptered after Assembly Bill No. 61, that the amendments to Section 5549 proposed by both bills be given effect and incorporated in Section 5549 in the form set forth in Section 4.5 of this act. Therefore, Section 4.5 of this act shall become operative only if this bill and Assembly Bill No. 61 are both chaptered, both amend Section 5549, and Assembly Bill No. 61 is chaptered before this bill, in which case Section 4 of this act shall not become operative.

CHAPTER 456

An act to amend Sections 11006.2, 12158 and 12660 of, and to add Section 11006.3 to, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 11006.2 of the Welfare and Institutions Code is amended to read:

11006.2. Notwithstanding any other provisions of this code:

(a) When payment is made monthly all public assistance warrants shall be placed in the mail in time to be received by the recipient not later than the first postal delivery day of the following month and whenever it is apparent that intervening holidays and the weekends will delay delivery past the first day of the following month, public assistance warrants shall be placed in the mail in order to be delivered on the last postal delivery day of the month.

(b) When payment is made semimonthly, one public assistance warrant shall be placed in the mail in time to be received by the recipient not later than the 15th day of the month and whenever it is apparent that intervening holidays and weekends will delay delivery past the 15th day of the month, one public assistance warrant shall be placed in the mail in order to be delivered on or before the 15th day of the month. The other public assistance warrant shall be placed in the mail in accordance with subdivision (a).

This section shall be applicable only to recipients of aid to families with dependent children.

SEC. 2. Section 11006.3 is added to the Welfare and Institutions Code, to read:

11006.3. This section shall be applicable only to recipients of aid to the aged, aid to the blind, aid to the potentially self-supporting blind, and aid to the needy disabled, and be operative only to the extent permitted by federal law.

When payment is made monthly all public assistance warrants shall be placed in the mail in time to be received by the recipient not later than the first day of the following month except that when such day is not both a postal delivery day and a banking day, the warrants shall be placed in the mail in order to be delivered on the last day of the preceding month that is both a postal delivery day and a banking day. All payments of public assistance shall be made monthly in advance by the county and shall be paid as of the first day of each month, except that warrants delivered prior to that day pursuant to this section shall be made payable as of such prior day.

SEC. 3. Section 12158 of the Welfare and Institutions Code is amended to read:

12158. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be paid by warrant and shall be delivered to the recipient at his residence if he so requests.

If a recipient of aid dies before any warrant or warrants to which he is found to be entitled can be issued to him as payee, such warrant or warrants may designate the legal representative of the decedent's estate as payee, or, if there be no authorized legal representative, the heir of the decedent who can demonstrate his legal right thereto may be designated as payee.

SEC. 4. Section 12158 of the Welfare and Institutions Code is amended to read:

12158. All payments of aid under this chapter shall be paid by warrant and shall be delivered to the recipient at his residence if he so requests.

If a recipient of aid dies before any warrant or warrants to which he is found to be entitled can be issued to him as payee, such warrant or warrants may designate the legal representative of the decedent's estate as payee, or, if there be no authorized legal representative, the heir of the decedent who can demonstrate his legal right thereto may be designated as payee.

SEC. 5. Section 12660 of the Welfare and Institutions Code is amended to read:

12660. Payment of aid under this chapter or Chapter 5 of this part shall be made promptly and shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the department in cases in which an appeal is taken; aid shall not commence prior to the date of application, unless otherwise directed by the department in cases in which an appeal has been taken on the ground that the county has refused to accept a signed application for aid.

SEC. 6. Section 12660 of the Welfare and Institutions Code is amended to read:

12660. Payment of aid under this chapter or Chapter 5 of this part shall be made promptly and shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed in cases in which an appeal is taken; aid shall not commence prior to the date of application, unless otherwise directed in cases in which an appeal has been taken on the ground that the department has refused to accept a signed application for aid.

SEC. 7. It is the intent of the Legislature, if this bill and Senate Bill No. 540 are both chaptered and amend Sections 12158 and 12660 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 540, that Sections 12158 and 12660 of the Welfare and Institutions Code, as amended by Sections 3 and 5 of this act shall remain operative only until the operative date of Senate Bill No. 540, and that on the operative date of Senate Bill No. 540 Sections 12158 and 12660 of the Welfare and Institutions Code as amended by Sections 3 and 5 of this act be further amended in the form set forth in Sections 4 and 6 of this act to incorporate the changes in Sections 12158 and 12660 proposed by Senate Bill No. 540. Therefore, Sections 4 and 6 of this act shall become operative only if Senate Bill No. 540 is chaptered before this bill and amends Sections 12158 and 12660, and in such case Sections 4 and 6 of this act shall become operative on the operative date of Senate Bill No. 540.

CHAPTER 457

An act to repeal Section 4156 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 4156 of the Labor Code is repealed.

CHAPTER 458

An act to amend Sections 885.5 and 895.11 of the Education Code, relating to county school service funds.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 885.5 of the Education Code is amended to read:

885.5. In addition to all other amounts payable to the county school service fund on account of special education schools, programs, and classes maintained by the county superintendent of schools for the education of physically handicapped minors, mentally retarded minors, severely mentally retarded minors, and educationally handicapped minors, there shall be paid by the school districts in which such minors reside, an amount, per unit of average daily attendance of any such minors being educated by the county superintendent of schools in the current fiscal year, equal to the amount produced in the district in the current fiscal year by the applicable tax rates specified in Section 17702 per unit of the total average daily attendance of the district.

In lieu of the payments to the county school service fund for mentally retarded minors and severely mentally retarded minors provided for in this section, the county superintendent of schools, with the approval of the county board of education, may add an amount equal to the amount of such payments to the amount, if any, he certifies in accordance with the provisions of Sections 895.6 and 895.7.

SEC. 2. Section 895.11 of the Education Code is amended to read:

895.11. The Superintendent of Public Instruction shall reduce the allowance to each county school service fund made pursuant to Sections 18355 and 18358 by an amount equal to the amount computed pursuant to Section 885.5.

CHAPTER 459

An act to add Section 5782.25 to, the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 5782.25 is added to the Public Resources Code, to read:

5782.25. Notwithstanding any other provision of law, the Parker Dam Recreation and Park District may:

(a) Purchase or lease electric power from any agency or entity, public or private, for use within the district.

(b) Acquire water and water rights and do any act necessary to furnish sufficient water in the district for any beneficial use.

(c) Sell, dispose of, and distribute water and electric power for use within the district.

The powers granted to the Parker Dam Recreation and Park District by this section may be exercised by the district only if the authority to exercise such powers is approved by a majority of the votes cast on the proposition at a district election called and conducted in accordance with the provisions of this chapter.

SEC. 2. The provisions of this act are necessary because all lands within the Parker Dam Recreation and Park District are federally owned and are leased by the Bureau of Land Management to district residents and the district is the only local governmental agency available to provide water and power to such residents. This problem is not common to all recreation and park districts. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 5782.25 of the Public Resources Code as a special law is necessary for the solution of problems existing in the Parker Dam Recreation and Park District.

CHAPTER 460

An act to add Section 4453.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 4453.5 is added to the Labor Code, to read:

4453.5. Benefits payable on account of an injury shall not be affected by a subsequent statutory change in amounts of indemnity payable under this division, and shall be continued as authorized, and in the amounts provided for, by the law in effect at the time the injury giving rise to the right to such benefits occurred.

CHAPTER 461

An act to amend Section 76009 of the Government Code, relating to compensation of jurors.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 76009 of the Government Code is amended to read:

76009. In a county of the ninth class, grand jurors and trial jurors shall receive six dollars (\$6) a day and mileage for each attendance at the rate of fifteen cents (\$.15) for each mile actually traveled. Grand jurors shall also receive as compensation five dollars (\$5) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at fifteen cents (\$.15) for each mile actually traveled in attending such committee meeting.

CHAPTER 462

An act to amend Section 25541.7 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 25541.7 of the Education Code is amended to read:

25541.7. (a) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1975, and such first bond issue passed provided for the issuance of bonds at a rate of interest of 5 percent.

(b) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1976.

(c) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh

consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such seventh consecutive fiscal year ends on June 30, 1978.

(d) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fourth consecutive fiscal year following the date the annexation by the community college district of the territory of a unified school district is effective for all purposes.

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

Annexation of a unified school district by a community college district places a severe strain on existing college facilities and necessitates interdistrict attendance agreements to accommodate the needs of the community college students within the newly enlarged district. In order to provide necessary funds to pay for costs of these agreements for the fiscal year 1972-73, it is necessary that this act have immediate effect.

CHAPTER 463

An act to amend Section 2736 of the Business and Professions Code, relating to nurses.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 2736 of the Business and Professions Code is amended to read:

2736. (a) An applicant shall comply with each of the following:

(1) Have successfully completed at least an approved high school course of study or the equivalent thereof as determined by board regulation, and such other preliminary requirements as the board by regulation may prescribe.

(2) Have successfully completed the prescribed course of study in an accredited school of nursing in this state, or have graduated from a school in another state, district or territory of the United States, or in Canada, which in the opinion of the board maintains and gives a course which is equivalent to an approved course of study in an accredited school, in this state, or have otherwise successfully completed all of the minimum educational requirements of the board.

(3) Have committed no act, which, if committed by a licensee would be a ground for disciplinary action.

(b) An applicant graduating from a school of nursing in a country outside the United States, other than Canada, and who meets the requirements of paragraphs (1) and (3) of subdivision (a) may be admitted to the examination if the school from which the applicant graduated gave and maintained a course of study equivalent to that given by an accredited school of nursing in this state, or if the applicant otherwise has successfully completed all of the minimum educational requirements of the board.

CHAPTER 464

An act to amend Section 4051 of the Elections Code, relating to elections.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 4051 of the Elections Code is amended to read:

4051. If a petition protesting against the adoption of an ordinance and circulated by any qualified registered voter of the city, is submitted to the clerk of the legislative body of the city within 30 days of the adoption of the ordinance, and is signed by not less than 10 percent of the voters of the city according to the county clerk's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city whichever is the lesser, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance.

CHAPTER 465

An act to add Section 13723.27 to the Education Code, relating to classified employees.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 13723.27 is added to the Education Code, to read:

13723.27. Written notices concerning tests, vacancies, transfer opportunities, and other such selections of shifts, positions, assignments, classifications, or locations shall be posted at all work

locations of employees who may be affected not later than 15 working days prior to the closing date of filing appropriate applications, together with the normal use of newspapers and bulletins for public notice for open or promotional vacancies. Whenever the subject of such notices may affect a probationary or permanent classified employee who will not be reporting at his work location during periods when such employee is not normally required to work, such as Christmas, Easter, summer recesses, and other paid or unpaid leaves of absences, including vacations, and who has previously requested notification, such notices shall be mailed to the employee. However, the failure of an employee to receive such notice shall not invalidate any procedure, if in fact the notice was placed in the mail and postage paid.

The foregoing provisions shall not apply to any school district which publishes and distributes to all work locations examination bulletins at least once each month, provided that records of employee requests for transfer and change of location are maintained and that the names of all candidates for transfer and change of location to a vacancy are certified to the appointing authority along with names of appropriate applicants from employment lists.

The personnel commission shall establish procedures for the maintenance of employee requests for transfer, change of location, change of shift, and notification of forthcoming examinations.

CHAPTER 466

An act to amend Sections 30800 and 30801 of, and to add Section 24005.5 to, the Vehicle Code, relating to vehicles.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 24005.5 is added to the Vehicle Code, to read:
24005.5. It is unlawful for any person to sell or offer for sale any type of synthetic fiber rope or webbing strap material that has been marked to indicate certification to the California Highway Patrol for use on loads subject to departmental regulation, unless such rope or webbing material has been certified in accordance with the regulations adopted by the commissioner.

SEC. 2. Section 30800 of the Vehicle Code is amended to read:
30800. (a) The Department of the California Highway Patrol shall adopt and enforce regulations relating to the safe loading, securement, and transporting of baled hay and baled straw. In adopting these regulations, the department shall take into consideration the nature of the load to be transported, the type of

vehicle to be used, and the different types of binders required to securely fasten loads to prevent their improper release.

(b) No person shall transport or cause to be transported any baled hay or baled straw in violation of the regulations promulgated hereunder.

SEC. 3. Section 30801 of the Vehicle Code is amended to read:

30801. This chapter does not apply to a farmer transporting his own hay or straw incidental to his farming operations where such transporting requires that he use the highways, except that this section does not relieve the farmer from loading and securing the hay or straw in a safe manner.

CHAPTER 467

An act to amend Section 1197 of the Military and Veterans Code, relating to memorial districts.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 1197 of the Military and Veterans Code is amended to read:

1197. The board shall consist of five members who shall be registered electors residing within the district or proposed district at the time of their election and shall be elected by the qualified electors of the district. Members shall serve without compensation but shall be entitled to actual and necessary expenses incurred in the performance of duties.

CHAPTER 468

An act to add Article 4 (commencing with Section 6750) to Chapter 6 of Part 1 of Division 6 of the Fish and Game Code, relating to aquatic plants.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Article 4 (commencing with Section 6750) is added to Chapter 6 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 4. Noncommercial Use of Kelp

6750. The commission may regulate the taking, collecting, harvesting, gathering, or possession of kelp for purposes other than profit.

6751. The provisions of Article 1 (commencing with Section 6650), Article 2 (commencing with Section 6680), and Article 3 (commencing with Section 6700) of this chapter do not apply to the taking, collecting, harvesting, gathering, or possession of kelp under this article.

CHAPTER 469*An act to add Section 21306 to the Education Code, relating to public schools.*

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 21306 is added to the Education Code, to read:

21306. The county superintendent of schools may, with the consent of the county board of education, establish a revolving cash fund for the use of the chief accounting officer of the county superintendent of schools, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The purposes for which the revolving cash fund shall be available shall include the purposes specified in Section 13604.1. The amount of the fund shall not be more than 2 percent of the estimated expenditures of the county superintendent of schools for the current fiscal year and shall not in any event exceed ten thousand dollars (\$10,000). Three certified copies of the resolution shall be transmitted to the county board of education. If the county board of education approves the establishment of the fund, the chairman shall endorse his consent on the resolution and return one copy to the county superintendent of schools and transmit one copy to the county auditor.

CHAPTER 470

An act to amend Sections 4, 8, and 17 of Chapter 665 of the Statutes of 1971, relating to the Health Science Facilities Construction Program Bond Act of 1971, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 4 of Chapter 665 of the Statutes of 1971 is amended to read:

Sec. 4. Bonds in the total amount of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 3 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as 1971 Health Science Facilities Construction Program Bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 2. Section 8 of Chapter 665 of the Statutes of 1971 is amended to read:

Sec. 8. A section shall be included in the Budget Bill for each fiscal year bearing the caption "1971 Health Science Facilities Construction Bond Act Program." Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the Health Science Facilities Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 3. Section 17 of Chapter 665 of the Statutes of 1971 is amended to read:

Sec. 17. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide health science facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide health science

facilities." In each square containing the language specified above, immediately below that language and enclosed in parenthesis, there shall be printed, in eight-point type, the words: "This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000)." Opposite the words: "For bonds to provide health science facilities," and the language immediately following such statement, and "Against bonds to provide health science facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide health science facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide health science facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

FOR BONDS TO PROVIDE HEALTH SCIENCE FACILITIES.

(This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000).)

AGAINST BONDS TO PROVIDE HEALTH SCIENCE FACILITIES.

(This act provides for a bond issue of one hundred fifty-five million nine hundred thousand dollars (\$155,900,000).)

The Governor of this state shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 4. The amendments effected by Sections 1, 2, and 3 of this act shall be incorporated in Chapter 665 of the Statutes of 1971 when that measure is submitted to the voters on November 7, 1972. Within five days after the effective date of this act, the authors of ballot arguments on Chapter 665 of the Statutes of 1971 shall, if necessary, revise such arguments to reflect the provisions of Sections 1, 2, and 3 of this act. The Legislative Counsel, the Legislative Analyst, and the Attorney General, within such five-day period, shall revise their ballot pamphlet analyses and ballot title, respectively, to reflect the provisions of Sections 1, 2, and 3 of this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure that this amendment to the Health Science Facilities Construction Program Bond Act of 1971 will become effective prior to the special election to be held on November 7, 1972, at which election said bond act will be submitted to the people for approval, it is necessary that this act go into immediate effect.

CHAPTER 471

An act to amend Sections 923.5, 932.1, 937.1, 1102, 1104.3, 1111.2, 1130, 1225.5, 1606, 2032, 2309, and 5029 of, and to repeal Section 1013.5 and Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of, the Education Code, relating to education.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 923.5 of the Education Code is amended to read:

923.5. A unified school district formed pursuant to the provisions of Chapter 10 (commencing with Section 3100) of Division 5 of this code may have a governing board of seven members in the event the proposal for unification has specified a governing board of seven members. The members of such board shall be elected at large or by trustee areas as designated in the proposal for unification and shall serve four-year terms of office.

SEC. 2. Section 932.1 of the Education Code is amended to read:

932.1. The governing board of each school district of every kind or class shall annually at its initial meeting select one of its members as its representative who shall have one vote for each member to be elected to the county committee provided by Article 2.5 (commencing with Section 3141) of Chapter 10 of Division 5 of this code. The secretary or clerk of the district shall furnish the county superintendent of schools with a certificate naming the representative selected by the board.

SEC. 3. Section 937.1 of the Education Code is amended to read:

937.1. No governing board or county superintendent of schools shall affix the title of deputy, associate or assistant superintendent to any position not defined by this code as a position requiring certification qualifications or which does not qualify under the provisions of Section 13055 as a position requiring certification qualifications; except that any such title may be assigned to the position of business manager or a related business position but such position shall not, if so designated, be deemed to be a position requiring certification qualifications nor shall the employee be deemed to be a certificated employee.

SEC. 4. Section 1013.5 of the Education Code is repealed.

SEC. 5. Section 1102 of the Education Code is amended to read:
1102. In newly formed unified school districts there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district.

In unified school districts the call shall be issued not later than the fourth Tuesday of January next succeeding the creation of the district. The superintendent shall set the date of the election in his call, but in the case of a unified school district the election shall be held not later than the third Tuesday in April next succeeding the call. The first members of the governing board of either form of district shall take office on the day the canvass of the election is certified by the county superintendent of schools. The first meeting of the governing board shall be called by the county superintendent of schools not later than the third Monday following the election. The term of office of subsequent members of the board shall begin on July 1st following their election.

SEC. 6. Section 1104.3 of the Education Code is amended to read:
1104.3. Except as otherwise provided in this article, and notwithstanding the provisions of Section 1102, the county superintendent of schools having jurisdiction may consolidate the election for the purpose of electing the governing board of a unified school district proposed to be formed under Chapter 10 (commencing with Section 3100) of Division 5 of this code with the election held for adopting or rejecting the plans and recommendations for the formation of a new district. The election shall be called, held, and conducted pursuant to the provisions of this article, Article 2 of this chapter, and Chapter 6 of this division, except that the question of formation of a unified school district and any other proposition to be voted upon shall appear on the ballot before the list of candidates for election to the governing board of the proposed unified district.

SEC. 7. Section 1111.2 of the Education Code is amended to read:
1111.2. (a) Notwithstanding the provisions of Section 1111, whenever, in a district which has been wholly absorbed into one or more other districts and continues in existence as a district pursuant to Section 1706 until the reorganization in which it has been included is effective for all purposes and a governing board member election is otherwise required to be held prior to such effective date of the reorganization, no such election shall be held. Instead, the county superintendent of schools shall appoint successors to the members whose terms expire on or before June 30th following the date upon which the election would otherwise have been held. Such appointees shall hold office until the reorganization becomes effective for all purposes.

(b) The provisions of subdivision (a) shall apply to any school district governed by a city board of education whenever such school district has been included with other school district territory within a unification effected pursuant to Chapter 9 (commencing with

Section 3001) or Chapter 10 (commencing with Section 3100) of Division 5, where:

(1) The charter of the city involved requires an election of city school district governing board members to be held prior to the date the new unified district becomes effective for all purposes; and

(2) The governing board of the new unified school district is organized to be subject to the provisions of this code rather than the provisions of the city charter.

SEC. 8. Section 1130 of the Education Code is amended to read:

1130. No member of the governing board of any district included wholly or partially included in a unified school district formed under the provisions of Chapter 10 (commencing with Section 3100) of Division 5 of this code shall be a member of the governing board of the unified school district unless elected thereto.

SEC. 9. Section 1225.5 of the Education Code is amended to read:

1225.5. Notwithstanding the provisions of Section 1130, when a unified school district is formed pursuant to Chapter 9 (commencing with Section 3100) of Division 5 which includes a city school district having a city board of education as provided under Section 1225 of this code, the unified school district shall be governed by said city board of education and the governing board members thereof shall continue in office for the remainder of their terms as elected pursuant to the provisions of Section 1225.

SEC. 10. Section 1606 of the Education Code is amended to read:

1606. "County committee" means the county committee on school district organization or a county board of education organized and acting as provided for in Article 2.5 (commencing with Section 3141) of Chapter 10.

SEC. 11. Section 2032 of the Education Code is amended to read:

2032. Upon the receipt of the petition, the county committee shall consider it and final action taken on the petition to form a consolidated high school district shall be taken only in accordance with the procedures set forth under the provisions of Chapter 10 (commencing with Section 3100) of this division embodying approval by the State Board of Education and by the electorate of the proposed consolidated high school district subject to the following exceptions:

(a) The county committee shall provide in its plan submitted to the State Board of Education for trustee areas, not to exceed seven, with each trustee area comprising at least one of the component elementary districts.

(b) The ballots used in the election shall contain the words "new consolidated high school district—yes, and new consolidated high school district—no."

(c) Candidates for the position of member of the governing board of the consolidated high school district shall be members of the governing boards of the respective component elementary school districts.

SEC. 12. Section 2309 of the Education Code is amended to read:

2309. During the first five years following the effective date for all purposes of the formation of a unified school district formed pursuant to Chapter 10 (commencing with Section 3100) of this division, no territory shall be removed from the district under any procedure whatever afforded by law without the consent of the governing board of the district having been given prior to the commencement of the proceedings.

SEC. 13. Section 5029 of the Education Code is amended to read:

5029. The making of a contract by the governing board of a district as provided in Sections 815, 5001, 5015, and Sections 5023 to 5025, inclusive, of this code, shall be deemed to be or have been the maintenance of a school within the boundaries of the district except that the attendance of the pupils under such contract shall be reported by, and allowances because of the attendance of pupils under such a contract shall be made to, the district of attendance. For the purposes of this section, the average daily attendance of the district in which such pupils reside who are educated under such contract shall be the average daily attendance of the pupils educated under such contract.

SEC. 14. Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of the Education Code is repealed.

CHAPTER 472

An act to add Section 7030 to the Business and Professions Code, relating to contractors.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 7030 is added to the Business and Professions Code, to read:

7030. (a) Every person licensed pursuant to this chapter shall include the following statement in prominent type on all written contracts with respect to which such person is a prime contractor:

Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is:

Contractors' State License Board
1020 N Street
Sacramento, California 95814

(b) For the purposes of subdivision (a), "prominent type" means at least 10-point boldface type, and in no event type less than two points larger than the type in any other portion of the written contract.

SEC. 2. This act shall become operative on July 1, 1973.

CHAPTER 473

An act to amend Sections 74134, 74135, 74136, 74137, 74138, and 74139 of the Government Code, relating to municipal courts.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 74134 of the Government Code is amended to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 54.5 and the clerk may appoint:

- (a) One assistant clerk on range 49.5.
- (b) One release clerk on range 49.
- (c) One assistant release clerk on range 47.5.
- (d) Three municipal court clerks II on range 47.5.
- (e) One accounting technician II on range 46.
- (f) Five municipal court clerks I on range 45.5.
- (g) Three senior clerks on range 40.5.
- (h) One account clerk II on range 39.5.
- (i) One stenographer clerk II on range 39.
- (j) Twelve clerks II on range 37.5.

SEC. 2. Section 74135 of the Government Code is amended to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 54.5 and the marshal may appoint:

- (a) One assistant marshal on range 52.
- (b) Five deputy marshals II on range 49.
- (c) Four deputy marshals I on range 46.
- (d) One marshal's clerk on range 41.5.
- (e) Two clerks II on range 37.5.

SEC. 3. Section 74136 of the Government Code is amended to read:

74136. In the Desert Judicial District, the salary of the clerk shall be on range 54.5 and the clerk may appoint:

- (a) One assistant clerk on range 49.5.
- (b) One release clerk on range 49.
- (c) Six municipal court clerks I on range 45.5.
- (d) One senior account clerk on range 42.5.
- (e) Two senior clerks on range 40.5.
- (f) One account clerk II on range 39.5.
- (g) Nine clerks II on range 37.5.

SEC. 4. Section 74137 of the Government Code is amended to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 54.5 and the marshal may appoint:

- (a) One assistant marshal on range 52.
- (b) Four deputy marshals II on range 49.
- (c) Two deputy marshals I on range 46.
- (d) One marshal's clerk on range 41.5.
- (e) Three clerks II on range 37.5.

SEC. 5. Section 74138 of the Government is amended to read:

74138. In the Corona Judicial District, the salary of the clerk shall be on range 52.5 and the clerk may appoint:

- (a) One municipal court clerk II on range 47.5.
- (b) One municipal court clerk I on range 45.5.
- (c) One senior account clerk on range 42.5.
- (d) Two senior clerks on range 40.5.
- (e) Three clerks II on range 37.5.

SEC. 6. Section 74139 of the Government Code is amended to read:

74139. In the Corona Judicial District, the salary of the marshal shall be on range 53.5 and the marshal may appoint:

- (a) Two deputy marshals II on range 49.
- (b) One deputy marshal I on range 46.
- (c) One marshal's clerk on range 41.5.
- (d) One clerk II on range 37.5.

CHAPTER 474

An act to repeal Chapter 3.5 (commencing with Section 21500) of Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Chapter 3.5 (commencing with Section 21500) of Part 1 of Division 9 of the Public Utilities Code is repealed.

CHAPTER 475

An act to amend Sections 11713 and 11806 of the Vehicle Code, relating to occupational licenses.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 11713 of the Vehicle Code, as amended by Chapter 1214 of the Statutes of 1971, is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer. This subdivision, however, does not apply to advertising or offering for sale or exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, if such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and if any one of the following conditions is met:

(1) The mobilehome or commercial coach is in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code.

(2) The mobilehome or commercial coach is on a lot which it has lawfully occupied continuously for an uninterrupted period of at least one year immediately prior to the date of such advertising or offering.

(3) The mobilehome or commercial coach is lawfully occupying a lot at the time of such advertisement or offering and no restriction has been enacted or adopted which would prohibit it from continuing to occupy the lot on which it is located for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if such vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 (commencing with Section 24000) of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, supplies, or books to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

SEC. 2. Section 11806 of the Vehicle Code is amended to read:

11806. It shall be unlawful and cause for disciplinary action for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of the employing dealer or available to such dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer. This subdivision, however, shall not apply to advertising or offering for sale or exchange any used mobilehome, as defined in Section 18008 of the Health and Safety Code, or used commercial coach, as defined in Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined in Section 18010.5 of the Health and Safety Code, if such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and if any one of the following conditions is met:

(1) The mobilehome or commercial coach is in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code.

(2) The mobilehome or commercial coach is on a lot which it has lawfully occupied continuously for an uninterrupted period of at least one year immediately prior to the date of such advertising or offering.

(3) The mobilehome or commercial coach is lawfully occupying a lot at the time of such advertisement or offering and no restriction has been enacted or adopted which would prohibit it from continuing to occupy the lot on which it is located for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665.

(e) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(f) To enter into an agreement to pay a commission or fee to any person not licensed as a salesman pursuant to Article 2 (commencing with Section 11800) of this chapter.

(g) To knowingly use or permit the use of special plates assigned to the employing dealer for any purpose other than permitted by Section 11715.

(h) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or on behalf of the employing dealer, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(i) To act as a dealer by purchasing and selling vehicles while employed or licensed to a licensed dealer without reporting the same to the dealer or utilizing the report of sale documents issued to the dealer.

(j) To act as a vehicle salesman or to engage in such activity for or on behalf of more than a single employer who shall be a licensed dealer, except that nothing contained in this section shall be deemed to restrict the number of dealerships in which a person may be an owner, officer, or director.

CHAPTER 476

An act to amend Section 7152 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 7152 of the Financial Code is amended to read:

7152. (a) An association may make amortized loans upon the security of improved real property in an amount not in excess of 70 percent of the appraised value of such real property; provided, that the commissioner may, by regulation, increase such amount to 75 percent of the appraised value of such real property for loans made pursuant to this section and in accordance with such regulations.

(b) Subject to the rules and regulations of the commissioner, an association may make amortized loans upon the security of improved commercial real property in the amount not in excess of 90 percent of the appraised value of such real property, provided the association takes as additional security the assignment of a long-term lease. Such loans may be made for a term of not to exceed 31 years.

CHAPTER 477

An act to add Section 7356 to the Labor Code, relating to aerial tramways.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 7356 is added to the Labor Code, to read:
7356. The division shall, under the authority of Section 7355, promulgate and cause to be published safety orders directing each owner or operator of an aerial passenger tramway to report to the division each known incident where the maintenance, operation, or use of such tramway results in injury to any person, unless such injury does not require medical service other than ordinary first aid treatment.

CHAPTER 478

An act to amend Sections 7344 and 7350 of the Labor Code, relating to aerial tramways.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 7344 of the Labor Code is amended to read:
7344. (a) The division shall cause all aerial passenger tramways to be inspected at least two times each year.

(b) At least one of the inspections required by subdivision (a) shall take place between November 15 of each year and March 15 of the succeeding year.

(c) If an aerial passenger tramway is found upon inspection to be in a safe condition for operation, a permit for operation for not longer than one year shall be issued by the division.

SEC. 2. Section 7350 of the Labor Code is amended to read:

7350. The division may fix and collect such fees for the inspection of aerial passenger tramways as it deems necessary to cover the actual costs of making such an inspection.

CHAPTER 479

An act to amend Sections 7340, 7341, 7343 and 7348 of the Labor Code, relating to aerial tramways.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 7340 of the Labor Code is amended to read:
7340. As used in this chapter:

(a) "Aerial passenger tramway" includes any method or device used primarily for the purpose of transporting persons by means of cables or ropes suspended between two or more points or structures.

(b) "Permit" means a permit issued by the division to operate an aerial passenger tramway in any place.

SEC. 2. Section 7341 of the Labor Code is amended to read:

7341. No aerial passenger tramway shall be operated in any place in this state unless a permit for the operation thereof is issued by the division, and unless such permit remains in effect and is kept posted conspicuously in the main operating terminal of the tramway.

SEC. 3. Section 7343 of the Labor Code is amended to read:

7343. Whenever an aerial passenger tramway in any place is being operated without the permit herein required, and is in such condition that its use is dangerous to the life or safety of any person, the division, or any person affected thereby, may apply to the superior court of the county in which the aerial passenger tramway is located for an injunction restraining the operation thereof until such condition is corrected. Proof by certification of the division that a permit has not been issued, together with the affidavit of any safety engineer of the division that the operation of the aerial passenger tramway is dangerous to the life or safety of any person, is sufficient ground, in the discretion of the court, for the immediate granting of a temporary restraining order. No bond shall be required from the division in such proceeding.

SEC. 4. Section 7348 of the Labor Code is amended to read:

7348. If the operation of an aerial passenger tramway during the making of repairs or alterations is not immediately dangerous to the safety of employees or others, the division may issue a temporary permit for the operation thereof for not to exceed 30 days during the making of repairs or alterations.

CHAPTER 480

An act to add Section 11052.5 to the Education Code, relating to school attendance.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 11052.5 is added to the Education Code, to read:

11052.5. The minimum schoolday in any junior high school or high school described in Section 11052 may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 11052, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.

No computation authorized by this section shall result in any increase in state apportionments.

CHAPTER 481

An act to amend Section 8353 of the Revenue and Taxation Code, and to amend Section 2103 of the Streets and Highways Code, relating to highway funds.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 8353 of the Revenue and Taxation Code is amended to read:

8353. By the 12th day of each calendar month, the balance remaining to the credit of the Motor Vehicle Fuel Account at the close of business on the seventh day of the same month, after payments of refunds and administration and enforcement, as provided for in Section 8352.1, shall, on order of the State Controller, be transferred to the Highway Users Tax Account in the Transportation Tax Fund.

SEC. 2. Section 2103 of the Streets and Highways Code is amended to read:

2103. At least 90 percent of the balance deposited to the credit of the Highway Users Tax Account in the Transportation Tax Fund by the 12th day of each month shall be apportioned by the State Controller by the second working day thereafter, as provided for in Sections 2104 to 2122, inclusive. If information is not available to

make the apportionment as required, the apportionment shall be made on the basis of the information of the previous month. Amounts not apportioned shall be included in the apportionment of the subsequent month.

CHAPTER 482

An act to amend Section 13114 of the Health and Safety Code, relating to the State Fire Marshal.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 13114 of the Health and Safety Code is amended to read:

13114. (a) The State Fire Marshal, with the advice of the State Fire Advisory Board, shall adopt such regulations and standards as he may determine to be necessary to control the quality and installation of automatic sprinkler systems, fire alarm systems, and fire alarm devices marketed, distributed, offered for sale, or sold in this state. In adopting such regulations and standards, the State Fire Marshal shall consider the standards of the National Fire Protection Association.

(b) No person shall market, distribute, offer for sale, or sell any automatic sprinkler system, fire alarm system, or fire alarm device in this state unless such system or device has been approved and listed by the State Fire Marshal.

(c) Violation of this section is a misdemeanor.

CHAPTER 483

An act to amend Sections 8304 and 8307 of the Fish and Game Code, relating to abalone and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 8304 of the Fish and Game Code is amended to read:

8304. It is unlawful to take any abalone, the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, 7 $\frac{3}{4}$ inches; green abalone, 7 inches; pink

abalone and white abalone, 6¼ inches; black abalone, 5½ inches; pinto abalone, threaded abalone, and flat abalone, 4 inches.

SEC. 2. Section 8307 of the Fish and Game Code is amended to read:

8307. In District 19, within one mile of the shores of Anacapa, Santa Cruz, Santa Rosa, Santa Barbara, San Nicolas, San Clemente, and San Miguel Islands, black abalones may be taken during the season for lobsters as defined in Section 8251 for use as bait in lobster traps.

Abalones so taken may not be brought to the mainland or to Santa Catalina Island at any time.

There is no bag limit on black abalone so taken, but no black abalone shall be taken under this section the shell of which measures less than 5½ inches in greatest diameter.

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

In order to assure a proper yield of black abalones and to provide immediate protection of this resource, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 484

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

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

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

19594. Whenever a conditional apportionment has, prior to the 61st day after the adjournment sine die of the 1972 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof

made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 485

An act to amend Sections 21252.45 and 21252.6 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 21252.45 of the Government Code is amended to read:

21252.45. The fraction or percentage of final compensation, for purposes of calculating the combined prior and current service pensions under Section 21252.1 or 21252.01 for a local safety member retiring after the effective date of his coverage under the federal system but prior to termination of such coverage for members in his employment shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, or in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section and Section 21252.1 or 21252.01, as the case may be, shall supersede Section 21252.5 with respect to all service to a contracting agency electing to be subject hereto; provided, however, that members in employment of such contracting agency on the effective date of the contract amendment subjecting the agency and its employees to this Section 21252.45 and Section 21252.1 may elect, in accordance with board rules, to continue subject to Section 21252.5, and the contracting agency shall be subject to Section 21252.5 rather than this section with respect to members who so elect. Such election shall cease to be effective if prior to the member's retirement his employer elects to be subject to Section 21252.01 or elects to terminate coverage of the federal system for persons in the member's employment.

SEC. 2. Section 21252.6 of the Government Code as amended by Chapter 1452 of the Statutes of 1971 is amended to read:

21252.6. The combined prior and current service pension for a law enforcement member, other than such member defined in Section 20017.7, subdivision (a) of Section 20017.75 or Section 20017.8 of this code, and a local safety member with respect to service to a contracting agency subject to this section, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of law enforcement, police, fire, or county peace officer service which is credited to him as a law enforcement member or a local safety member subject to this section at retirement. Notwithstanding the preceding sentence, this section shall apply to the current and prior service pension for any other law enforcement member based on service to which it would have applied had the member, on July 1, 1971, been in employment described in Section 20017.77 of this code.

In no event shall the total pension for all service under this section exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of service in which he is subject to this section.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system. This paragraph shall not apply to a member who retires after the date upon which coverage under the federal system of persons in his employment terminates. It shall not

apply to a local safety member employed by a contracting agency electing to be subject to this section after the effective date of the amendments to this section at the 1972 Regular Session unless such agency elects to be subject to this paragraph by amendment to its contract or by appropriate provision of a contract entered into after this provision is effective and as to any such member, the reduction in the percentage of final compensation shall apply to all local safety service to such agency, if any of such local safety service has been included in the federal system.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

Upon such election by a contracting agency subject to Section 21252.1, this section shall not apply to a local safety member then employed who entered such employment after attaining age 30, and Section 21252.1 shall continue to apply to such member unless and until he terminates such employment and more than 30 days thereafter enters employment otherwise subject to this section. Upon such later entry into employment, the member will be subject to this section with respect to all service as a local safety member rendered to any employer subject to this section.

This section shall not apply to a person who is a law enforcement member on its operative date and who entered law enforcement service after attaining age 30 unless such person elects in writing to be subject to this section and the election is filed in the office of the board within 30 calendar days following the operative date of this section.

CHAPTER 486

An act to amend Sections 300, 301, 501, 800, 816, and 819 of, and to add Section 809.5 to, the Corporations Code, relating to directors of corporations.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 300 of the Corporations Code is amended to read:

300. A corporation may be formed under this division for any lawful purposes by the execution of articles of incorporation by one

or more persons, and the filing of the articles in the manner provided in this chapter.

SEC. 2. Section 301 of the Corporations Code is amended to read:

301. Articles of incorporation shall set forth:

(a) The name of the corporation.

(b) The purposes for which it is formed, including a statement in a separate paragraph identifying the specific business in which the corporation is primarily to engage.

(c) The county in this state where the principal office for the transaction of the business of the corporation is located.

(d) The number of its directors and the name and address of each person appointed to act as a first director. The number so stated constitutes the authorized number of directors until changed by amendment of the articles or, unless the articles provide otherwise, by a bylaw duly adopted by the shareholders.

The minimum number of directors authorized shall be three; provided, however, that (1) before shares are issued, the minimum number shall be one, (2) if a corporation only has one shareholder, the minimum number shall be one, and (3) if a corporation has only two shareholders, the minimum number shall be two. However, the articles or, unless the articles provide otherwise, a bylaw duly adopted by the shareholders, may state that the number of directors shall be not less than a stated minimum (which in no case shall be less than five) nor more than a stated maximum (which in no case shall exceed such stated minimum by more than three); and in the event that the articles or bylaws permit such an indefinite number of directors, the exact number of directors shall be fixed, within the limits specified in the articles or bylaws, by a bylaw or amendment thereof duly adopted by the shareholders or by the board of directors. In the event the articles provide for an indefinite number of directors, unless the articles provide otherwise, such indefinite number may be changed, or a definite number fixed without provision for an indefinite number, by a bylaw duly adopted by the shareholders.

SEC. 3. Section 501 of the Corporations Code is amended to read:

501. The bylaws of a corporation may make provisions not in conflict with law or its articles for:

(a) The time, place, and manner of calling, conducting, and giving notice of shareholders' and directors' meetings. The bylaws may dispense with notice of all regular or annual meetings of shareholders except as required under Section 2201, or of all regular meetings of directors, or both.

(b) The method of publication of notices of meetings of the shareholders or directors when publication is required.

(c) The manner of execution, revocation, and use of proxies.

(d) The number, qualifications, duties, and compensation of directors; the time of their annual election; and the requirements of a quorum for a directors' meeting in accordance with Section 816.

The authorized number of directors may be changed by

amendment of the articles, or, unless the articles forbid, by a bylaw duly adopted by the shareholders, or, if the articles or bylaws permit an indefinite number of directors pursuant to Section 301, by a bylaw duly adopted by the directors; but the votes or written consents of shareholders holding more than 80 percent of the voting power are necessary to reduce the authorized number of directors below five.

(e) The appointment and authority of an executive committee and other committees of the board of directors.

(f) The appointment, duties, compensation, and tenure of office of officers other than directors.

(g) Special qualifications of persons who may be shareholders, and reasonable restrictions upon the right to transfer or hypothecate shares.

(h) The mode of determination of shareholders of record.

(i) The making of annual reports and financial statements to the shareholders or dispensing therewith.

(j) The issue of certificates for shares prior to full payment.

(k) Any other proper and lawful regulations.

SEC. 4. Section 800 of the Corporations Code is amended to read:

800. Subject to limitations of the articles and of this division as to action which shall be authorized or approved by the shareholders, all corporate powers shall be exercised by or under authority of, and the business and affairs of every corporation shall be controlled by, the board of directors.

SEC. 5. Section 809.5 is added to the Corporations Code, to read:

809.5. If a corporation has not issued shares and all the directors resign, die or become incompetent, or in the case of a nonstock corporation if a corporation has no members other than the directors and all the directors resign, die or become incompetent, the superior court of the county in which the principal office of the corporation is or was located may appoint directors of the corporation upon petition of a creditor of the corporation or of the personal representative of a deceased director or of the guardian or conservator of an incompetent director.

SEC. 6. Section 816 of the Corporations Code is amended to read:

816. A majority of the authorized number of directors constitutes a quorum of the board for the transaction of business unless the articles or bylaws provide that a different number, which in no case shall be less than one-third the authorized number of directors, nor less than two, constitutes a quorum, unless the authorized number of directors is one, in which case one director constitutes a quorum.

SEC. 7. Section 819 of the Corporations Code is amended to read:

819. (a) If a corporation has an even number of directors who are equally divided and cannot agree as to the management of its affairs, so that its business cannot longer be conducted to advantage or so that there is danger that its property and business will be impaired and lost, the superior court of the county where the principal office of the corporation is located may, notwithstanding any provisions of the articles or bylaws of the corporation and

whether or not an action is pending for an involuntary winding up or dissolution of the corporation, appoint a provisional director pursuant to this section.

Action for such appointment may be filed by any director or by the holders of not less than 33⅓ percent of the outstanding shares.

(b) The provisional director shall be an impartial person, who is neither a shareholder nor a creditor of the corporation, nor related by consanguinity or affinity within the third degree to any of the other directors of the corporation, or to any judge of the court by which he is appointed. The provisional director shall have all the rights and powers of a director, and shall be entitled to notice of the meetings of the board of directors and to vote at such meetings, until the deadlock in the board of directors is broken or until he is removed by order of the court or by vote or written consent of the holders of a majority of the voting shares. He shall be entitled to receive such compensation as may be agreed upon between him and the corporation, and in the absence of such agreement he shall be entitled to such compensation as shall be fixed by the court.

This section does not apply to corporations subject to the Banking Law, the Public Utilities Act, or the Savings and Loan Association Law.

CHAPTER 487

An act to amend Section 31724 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 31724 of the Government Code is amended to read:

31724. If the proof received, including any medical examination, shows to the satisfaction of the board that the member is permanently incapacitated physically or mentally for the performance of his duties in the service, it shall forthwith retire him for disability, and his disability retirement allowance shall be effective as of the date such application is filed with the board, but not earlier than the day following the last day for which he received regular compensation. Notwithstanding any other provision of this article, the retirement of a member who has been granted or is entitled to sick leave shall not become effective until the expiration of such sick leave with compensation unless the member consents to his retirement at an earlier date.

When it has been demonstrated to the satisfaction of the board that the filing of the member's application was delayed by administrative

oversight or by inability to ascertain the permanency of the member's incapacity until after the date following the day for which the member last received regular compensation, such date will be deemed to be the date the application was filed.

CHAPTER 488

An act to amend Section 19955 of the Health and Safety Code, relating to public accommodations.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 19955 of the Health and Safety Code is amended to read:

19955. (a) The purpose of this part is to insure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. For the purposes of this part "public accommodation or facilities" means a building, structure, facility, complex, or improved area which is used primarily by the general public as a place of gathering or amusement, and shall include auditoriums, hospitals, theaters, restaurants, hotels, motels, stadiums, and convention centers.

As used in this section, "hospitals" includes, but is not limited to, hospitals, nursing homes, and convalescent homes.

CHAPTER 489

An act to amend Section 6007 of the Business and Professions Code, relating to attorneys.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 6007 of the Business and Professions Code is amended to read:

6007. (a) When a member requires involuntary treatment pursuant to the provisions of Article 6 (commencing with Section 5300) of Chapter 2 of Division 5 of, or Part 2 (commencing with Section 6250) of Division 6 of the Welfare and Institutions Code, or under an order pursuant to Section 3051, 3106.5 or 3152 of the Welfare and Institutions Code he has been placed in or returned to

inpatient status at the California Rehabilitation Center or its branches, or he has been determined insane and is confined for treatment pursuant to the provisions of the Penal Code, or on account of his mental condition a guardian or conservator, for his estate or person or both, has been appointed, the board of governors shall enroll the member as an inactive member.

The clerk of the appropriate court concerned in any such proceeding shall immediately transmit to the board a certified copy of any such determination, order, or adjudication for involuntary treatment or confinement or for the appointment of a guardian or conservator.

The clerk of the appropriate court concerned shall also transmit to the board a certified copy of any notice of certification for intensive treatment filed with the court pursuant to Article 4 (commencing with Section 5250) of Chapter 2 of Division 5 of the Welfare and Institutions Code.

The State Bar of California may procure a certified copy of any such determination, order, adjudication, appointment or notice when the clerk concerned has failed to transmit one or when the proceeding was had in a court other than a court of this state.

In the case of an enrollment pursuant to this subdivision (a) the board of governors shall terminate the enrollment when the member has had the fact of his restoration to capacity judicially determined, upon the member's release from inpatient status at the California Rehabilitation Center or its branches pursuant to Section 3053, 3109 or 3151 of the Welfare and Institutions Code, or upon the member's unconditional release from the medical facility pursuant to Section 5304 or 5305 of the Welfare and Institutions Code; and on payment of all fees required.

When a member is placed in, returned to, or released from inpatient status at the California Rehabilitation Center or its branches, or discharged from the narcotics treatment program, the Director of Corrections or his designee shall transmit to the board a certified notice attesting to such fact.

(b) In cases not provided for in subdivision (a), the board of governors shall enroll a member of the State Bar as an inactive member if, after notice and opportunity to be heard before the board or a committee, the board finds that the member, because of mental infirmity or illness, or because of addiction to intoxicants or drugs, is (1) unable or habitually fails to perform his duties or undertakings competently, or is (2) unable to practice law without danger to the interests of his clients and the public. No proceeding pursuant to this subdivision shall be instituted unless the board or a committee finds, after preliminary investigation, or during the course of a disciplinary proceeding, that probable cause exists therefor.

In the case of an enrollment pursuant to this subdivision (b) the board of governors shall terminate the enrollment upon proof that the facts found as to the member's disability no longer exist; and, on payment of all fees required.

(c) The pendency or determination of a proceeding or investigation provided for by this section shall not abate or terminate a disciplinary investigation or proceeding except as required by the facts and law in a particular case.

(d) No membership fees shall accrue against the member during the period he is enrolled as an inactive member pursuant to this section.

CHAPTER 490

An act to amend Sections 21100 and 22500 of, and to add Section 21114.5 to, the Vehicle Code, relating to sidewalks.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other official traffic control devices.

(e) Licensing and regulating the operation of tow car service.

(f) Operation of bicycles, and, as specified in Section 21114.5, electric carts by physically disabled persons, or persons 50 years of age or older, on the public sidewalks.

SEC. 2. Section 21114.5 is added to the Vehicle Code, to read:

21114.5. Notwithstanding Section 21663 or any other provision of this code, local authorities may, by ordinance, authorize the operation of electric carts by physically disabled persons, or persons 50 years of age or older, on public sidewalks. Any such ordinance shall, however, contain provisions requiring any such person who owns an electric cart to apply to the local authority for a permit and an identification sticker to so operate the cart, and requiring such person to affix such sticker to the cart in order to operate it on the sidewalk.

SEC. 3. Section 22500 of the Vehicle Code is amended to read:

22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of any city pursuant to ordinance.

(c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

(e) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.

In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.

(f) On a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb erected or painted by local authorities pursuant to ordinance.

(j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.

(k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of Public Works pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Local authorities may by ordinance or resolution permit parking on such bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing

by the Department of Public Works. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of Public Works.

CHAPTER 491

An act to amend Section 25445.5 of the Education Code, relating to community colleges.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 25445.5 of the Education Code is amended to read:

25445.5. Every community college district formed under the provisions of this article shall be given the name selected for it by the governing board of the district and shall be designated as the "_____ (using the name of the district) Community College District." In the name by which the district is so designated the district and its governing board may sue and be sued and hold and convey property for the benefit of the district.

The governing board of a community college district may, by resolution, change the name of the district or of any of the community colleges maintained by the district; provided, however, that the name shall continue to contain the words "Community College District" or "Community College," as the case may be.

CHAPTER 492

An act to amend Section 66514 of the Government Code, and to amend Section 30792.2 of the Streets and Highways Code, relating to toll bridges.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 66514 of the Government Code is amended to read:

66514. The construction of any transbay bridge in the region shall not be commenced without the approval of the commission. This section shall not apply to (a) modifications of existing bridges, except modifications which provide for the construction of

additional lanes of traffic on existing bridges or for the construction of rapid transit facilities on existing bridges, or (b) new bridges where, after 1965 but prior to November 23, 1970, the Legislature has provided funds for preliminary work leading to the issuance of revenue bonds under the provisions of the California Toll Bridge Authority Act for the construction thereof.

In the case of the widening of the San Mateo-Hayward Bridge trestle, if the commission has not, by January 1, 1974, disapproved the construction thereof, the construction may commence without the approval of the commission.

SEC. 2. Section 30792.2 of the Streets and Highways Code is amended to read:

30792.2. Upon completion of the studies and preliminary work provided for in Section 30792.1, the California Toll Bridge Authority shall, as promptly as feasible, issue revenue bonds to finance the construction of a new Dumbarton Bridge. Such bonds shall be secured by the revenues deposited in the San Francisco-Oakland Bay Bridge Toll Revenue Fund as provided by Chapter 1 (commencing with Section 30000) of this division and by Section 30794. Such issue of revenue bonds may, to the extent that the authority determines feasible, include funds in an amount sufficient to widen the San Mateo-Hayward Bridge trestle. Such financing shall be undertaken only to the extent that the authority, finds on the basis of the estimates of cost, that anticipated revenue available to it will be sufficient to meet its obligations with respect to the financing of the San Francisco-Oakland Rapid Transit Tube. Notwithstanding any other provision of law, revenue bonds sold for any purposes authorized by this section may be sold at an interest rate not exceeding 7 percent per annum.

As a part of the new Dumbarton Bridge, the department may include a new westerly approach connection to Route 101 at or near Marsh Road and a new westerly approach connection to Route 101 in the vicinity of Embarcadero Road. The authority may include in the revenue bond issue funds in an amount sufficient for such connections. The department shall not construct the connection to Route 101 at or near Marsh Road until its location has been approved by the City Council of Menlo Park and the San Francisco Bay Conservation and Development Commission, and shall not construct the connection to Route 101 in the vicinity of Embarcadero Road until its location has been approved by the City Councils of Menlo Park and Palo Alto, the Board of Supervisors of San Mateo County, and the San Francisco Bay Conservation and Development Commission.

Except for the construction of temporary transition lanes of less than 4,500 feet in length on the existing westerly approach to provide for a safe transition from four lanes to two lanes and of the new westerly approach connections to Route 101 at or near Marsh Road and to Route 101 in the vicinity of Embarcadero Road, the department shall not undertake any construction westerly of the

west abutment of the new Dumbarton Bridge until the precise location of the replacement of the existing westerly approach has been approved by the City Council of Menlo Park and the Board of Supervisors of San Mateo County.

The Legislature hereby declares that the construction of a new Dumbarton Bridge shall not be construed as legislative approval of any particular alignment for the ultimate construction of Route 84 as a freeway west of the bridge.

CHAPTER 493

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

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Sections 423 and 423.5 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1972-1973 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before May 25, 1972; provided, that prior to 5 o'clock p.m. on March 1, 1972, either the land which is subject to a contract was included in a proposal to establish an agricultural preserve submitted to the planning commission or planning department or the matter of accepting an open-space easement or scenic restriction had been referred to such commission or department.

SEC. 2. It is the intent of the Legislature that land assessed pursuant to the provisions of Section 1 of this act for the 1972-1973 fiscal year shall be included for purposes of computing subventions to local government for losses due to such assessment procedures for the 1972-1973 fiscal year.

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

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1972. As a result, some individuals will be confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the

situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 494

An act to amend Section 29 of Chapter 549, Statutes of 1955, relating to the Montalvo Municipal Improvement District.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 29 of Chapter 549, Statutes of 1955, is amended to read:

Sec. 29. Each board member shall receive the compensation prescribed by Section 6489 of the Health and Safety Code for board members of sanitary districts; provided, however, that no provisions of such section which pertain to matters other than the compensation of board members shall be construed as applying to this district.

CHAPTER 495

An act to add Section 21702.2 to the Education Code, relating to school district bonds.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 21702.2 is added to the Education Code, to read:

21702.2. The bond issuance limitation in Section 21702 may, upon a favorable vote of two-thirds of the votes cast thereon in the district, be increased to not to exceed 7 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located, and as modified pursuant to Section 17262.

All statutory references to the limitation in Section 21702 shall be deemed to refer to the limitations in Sections 21702 and 21702.2, whichever may be applicable.

This section shall remain in effect until July 1, 1975, and shall thereafter be of no force or effect, provided that the termination of

the effective period of this section shall in no way be construed as affecting the validity of bonds authorized pursuant to authority afforded thereunder prior to July 1, 1975.

CHAPTER 496

An act to amend Section 26614.5 of the Government Code, relating to county searches.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 26614.5 of the Government Code is amended to read:

26614.5. The county or city and county of residence of a person searched for or rescued by the sheriff under the authority of Section 26614 shall pay to the county or city and county conducting such search or rescue, in any case where the expenses thereof exceed one hundred dollars (\$100), all of the reasonable expenses in excess of one hundred dollars (\$100) of such search or rescue within 30 days after the submission of a claim therefor by the county or city and county conducting the search or rescue and the county or city and county conducting the search or rescue shall bear the remaining expense.

CHAPTER 497

An act to repeal Sections 171a and 171b of the Penal Code, and to add Sections 1001.5 and 1001.7 to the Welfare and Institutions Code, relating to institutions for delinquents.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 171a of the Penal Code is repealed.

SEC. 2. Section 171b of the Penal Code is repealed.

SEC. 3. Section 1001.5 is added to the Welfare and Institutions Code, to read:

1001.5. Except when authorized by law, or when authorized by the person in charge of an institution or camp administered by the Youth Authority, or by an officer of the institution or camp empowered by the person in charge of the institution or camp to give such authorization, any person who knowingly brings or sends into,

or who knowingly assists in bringing into, or sending into, any institution or camp, or the grounds belonging to any institution or camp, administered by the Youth Authority, any narcotic, the possession of which is prohibited by Division 10 (commencing with Section 11000) of the Health and Safety Code, any restricted dangerous drug the possession of which is prohibited by Division 10.5 (commencing with Section 11901) of the Health and Safety Code, any alcoholic beverage or any firearm, weapon or explosive of any kind shall be punished by imprisonment in a county jail for not more than one year or by imprisonment in the state prison for not more than five years.

SEC. 4. Section 1001.7 is added to the Welfare and Institutions Code, to read:

1001.7. Every person who, having been previously convicted of a felony and confined in any state prison in this state, without the consent of the officer in charge of any California Youth Authority institution comes upon the grounds of any such institution, or lands belonging or adjacent thereto, in the nighttime, and who refuses or fails to leave upon being requested to do so by an employee of the institution, is guilty of a misdemeanor.

CHAPTER 498

An act to amend Section 21960 of the Vehicle Code, relating to highways.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 21960 of the Vehicle Code is amended to read:

21960. (a) The Department of Public Works and local authorities may, by order, ordinance, or resolution, with respect to freeways or designated portions thereof under their respective jurisdictions, to which all rights of access have been acquired, prohibit or restrict the use of the freeways or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle. Notwithstanding any provisions of any order, ordinance, or resolution to the contrary, the driver or passengers of a disabled vehicle stopped on a freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(b) Such prohibitory regulation shall be effective when appropriate signs giving notice thereof are erected upon any freeway and the approaches thereto.

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Public Works.

CHAPTER 499

An act to amend Sections 5361 and 5364 of, and to add Sections 5359.1, 5363.1, and 5368.5 to, the Public Resources Code, relating to municipal park improvement districts.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 5359.1 is added to the Public Resources Code, to read:

5359.1. The legislative body may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this article.

SEC. 2. Section 5361 of the Public Resources Code is amended to read:

5361. The legislative body may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year; provided, however, the bonds of any issue or series may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity, which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total principal amount of the bonds of such issue or of the series thereof then proposed to be issued. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be payable at a place to be fixed by the legislative body and designated in the bonds, together with the interest on all sums unpaid on such date, interest to be paid semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of said year, until the whole of the indebtedness shall have been paid. The principal and interest on the bonds shall be paid by the city treasurer in the manner provided by law for the payment of bonds of the city. Such bonds shall not be an

obligation of the municipality issuing them but shall be payable from the funds of the district as herein provided and neither the municipality nor any officer thereof shall be holden for payment otherwise of their principal and interest.

SEC. 3. Section 5363.1 is added to the Public Resources Code, to read:

5363.1. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 4. Section 5364 of the Public Resources Code is amended to read:

5364. The legislative body of the city shall, at the time of fixing the general tax levy, and in the manner for the general tax levy, levy and collect a tax each year upon the taxable land in the district sufficient to pay the interest on the bonds for that year, and such portion of the principal as is to become due before the time for making the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of issue, such tax shall be levied and collected, each year sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal on or before maturity. The tax shall be in addition to all other taxes levied for municipal purposes and when collected shall be paid into the treasury of the city and be used for the payment of the principal and interest on such bonds and for no other purpose.

The legislative body may provide, in the resolution or ordinance calling the election, that the tax to pay principal and interest on the bonds provided for in this section shall be levied and collected upon all taxable property in the district rather than on taxable land. If the proposition submitted pursuant to such resolution or ordinance is approved as provided in Section 5359, the tax shall be levied as provided in such ordinance or resolution.

SEC. 5. Section 5368.5 is added to the Public Resources Code, to read:

5368.5. Any property in the municipality within which the municipal park improvement district is formed may be annexed to such district in the manner provided in Part 11 (commencing with Section 72670) of Division 20 of the Water Code, applicable to municipal water district improvement districts.

CHAPTER 500

An act to add Sections 19700.745 and 19700.746 to the Education Code, and to amend Section 316 of Chapter 1 of the Statutes of 1971 (First Extraordinary Session), relating to the public educational system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 19700.745 is added to the Education Code, to read:

19700.745. Notwithstanding any provisions of this article, any school district which has levied the entire twenty-cent (\$.20) tax rate per one hundred dollars (\$100) of assessed valuation permitted under Section 15518 and has declared the entire proceeds therefrom available as local matching funds for a particular project, but lacks sufficient matching funds for such project as required under this article, may file an application thereunder prior to January 1, 1973. Under such circumstances the board may increase the basic computed state matching ratio of assistance in such amount, which, when added to the sum of the entire proceeds of the twenty-cent (\$.20) tax rate and such other funds which in the opinion of the board is or can be made currently available for the project, including funds authorized by the electors from bonds or otherwise, would be necessary to construct minimum essential facilities for the project as determined by the board. Not more than thirty million dollars (\$30,000,000) available for the purposes of this article may be apportioned for increases in the basic computed state matching ratio pursuant to this section.

SEC. 2. Section 19700.746 is added to the Education Code, to read:

19700.746. Notwithstanding any provisions of this article, where less than thirty million dollars (\$30,000,000) has been apportioned or otherwise reserved by the board pursuant to Section 19700.745, the board shall apportion as grants the remainder thereof under this section for matching purposes pursuant to this article to districts which the board determines has the greatest need. Such apportionments under this section may be made only to those districts (1) which would not have been eligible to apply under Section 19700.745 if they had levied the entire twenty-cent (\$.20) tax rate specified therein, and (2) which have filed an application by January 1, 1973 and received an apportionment under this article from the board by February 28, 1973.

SEC. 3. Section 316 of Chapter 1 of the Statutes of 1971 (First Extraordinary Session) is amended to read:

Sec. 316. Notwithstanding any other provision of law to the

contrary, except for the special tax credit provided for in Section 17 of this act, the one-time nonrecurring revenue in the amount of one hundred fifty million dollars (\$150,000,000) produced by the enactment of withholding and quarterly estimates of state personal income taxes shall be used for the following purposes and shall be allocated in the following manner:

(a) Eighty million dollars (\$80,000,000) shall be allocated to the Capital Outlay Fund for Public Higher Education for the capital construction programs of the University of California, the California State Colleges, and the community colleges.

(b) Forty million dollars (\$40,000,000) shall be allocated to the Bagley Conservation Fund, which is hereby created, for beach, park, and land acquisition programs, including wildlife areas, and coastline planning and development of recreational facilities which do not require continuous funding and are of a one-time nonrecurring nature, including within this figure five million dollars (\$5,000,000) for miscellaneous capital outlay construction.

(c) Thirty million dollars (\$30,000,000) shall be allocated to the School Building Safety Fund, which is hereby created, for replacement and repair of local school district buildings for compliance with Field Act requirements. Moneys in this fund may be used for the purposes of Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14 of the Education Code.

It is the intent of the Legislature that the amounts specified in the above subdivisions shall be subject to continuous expenditure without regard to fiscal years on the basis of need when appropriated by the Legislature, but that no more than 33 $\frac{1}{3}$ percent of the total amount of one hundred fifty million dollars (\$150,000,000) be allocated in any one budget year.

The Department of Finance shall in the annual budget submitted to the Legislature recommend capital outlay program expenditures pursuant to the above subdivisions. Any funds appropriated by the Budget Act of 1971 contained in Chapter 266 of the Statutes of the 1971 Regular Session of the Legislature, such as Item 304.1, shall be allocated prior to the end of the 1971-1972 fiscal year.

SEC. 4. There is hereby appropriated from the School Building Safety Fund, the sum of thirty million dollars (\$30,000,000), for allocation by the State Allocation Board, subject to the approval of the State Public Works Board, for purposes of Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14 of the Education Code.

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

In order to permit the funds to which this act relates to be available for apportionment during the entire 1972-1973 fiscal year, and so facilitate its orderly administration, it is necessary that this act take effect immediately.

CHAPTER 501

An act to amend Sections 12070, 12071, and 12073 of the Penal Code, relating to firearms.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 12070 of the Penal Code is amended to read:
12070. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

SEC. 2. Section 12071 of the Penal Code is amended to read:
12071. The duly constituted licensing authorities of any city or county shall accept applications for, and may grant licenses permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person. If a license is granted it shall be in the form prescribed by the Attorney General, effective for not more than one year from the date of issue, and be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered

(a) Within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

SEC. 3. Section 12073 of the Penal Code is amended to read:
12073. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated.

CHAPTER 502

An act to add Sections 534.5 and 4837.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 534.5 is added to the Revenue and Taxation Code, to read:

534.5. Notwithstanding any other provision of law, the board of supervisors may, by ordinance, establish a procedure to provide for the spreading of payments for taxes on assessments made pursuant to this article over a period not to exceed three years from the year of discovery when the payment of all such taxes in the year of discovery would constitute a hardship on the assessee. Any such ordinance shall contain a provision requiring that a separate public record shall be maintained in the office of the tax collector listing the current status of all installment accounts authorized under such ordinance. An ordinance authorized by this section shall apply only to taxes on escaped assessments in those instances when the error causing the escaped assessment was not that of the assessee.

Any such ordinance shall specify the method of payment of such taxes.

SEC. 2. Section 4837.5 is added to the Revenue and Taxation Code, to read:

4837.5. Notwithstanding any other provisions of law, the board of supervisors shall have the authority, by ordinance, to provide for the spreading of payments for taxes when such taxes have been increased by the discovery of an error under the provisions of this article. The conditions, recordkeeping, and nature of this authority shall be the same as those provided in Section 534.5.

CHAPTER 503

An act to amend Sections 39130 and 39184 of the Health and Safety Code, and to amend Section 27156 of the Vehicle Code, relating to air pollution.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 39130 of the Health and Safety Code is amended to read:

39130. No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for certification of a device, represent, any device as a motor vehicle pollution control device unless that device has been certified by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this section is a misdemeanor.

SEC. 2. Section 39184 of the Health and Safety Code is amended to read:

39184. No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for accreditation of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been accredited by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as an accredited device which, in fact, is not an accredited device. Any violation of this section is a misdemeanor.

SEC. 3. Section 27156 of the Vehicle Code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a motor vehicle pollution control device under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code or any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the National Emissions Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

“Willfully,” as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

No person shall operate a vehicle after notice by a traffic officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

This section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board either:

- (1) To not reduce the effectiveness of any required motor vehicle pollution control device; or
- (2) To result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

The provisions of this section apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

CHAPTER 504

An act to amend Sections 73341, 73350, 73351, 73351.1, 73352, 73353, 73355, 73356, 73357, 73358, 73359, and 73360.1 of the Government Code, relating to municipal courts.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. Except as otherwise provided in this article, each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

Mt. Diablo Judicial District.....	3
Richmond Judicial District	3
River Judicial District.....	1

Walnut Creek-Danville Judicial District	2
West Judicial District	2
Any other court established or declared to exist	1

SEC. 2. Section 73350 of the Government Code is amended to read:

73350. There are the following classes of positions into which each of the positions of the municipal courts and marshals' offices shall be assigned as prescribed in the section pertaining to each court or marshal's office.

(a) Deputy clerk I, which shall include all municipal courts and marshals' offices employments assigned routine clerical tasks under continuous immediate supervision.

(b) Deputy clerk II, which shall include all municipal courts and marshals' offices employments assigned clerical tasks requiring exercise of discretion as to methods and priorities and which supervision is available on a periodic basis only.

(c) Deputy clerk III, which shall include all municipal courts and marshals' offices employments assigned clerical duties of a complex and varied nature requiring exercise of initiative and discretion in work organization, methods and priorities and in which supervision is available only on policy matters. Positions of this class may assign and review the work of several deputy clerks I or deputy clerks II.

(d) Deputy clerk IV, which shall include clerical duties of a complex and varied nature in which the incumbent works independently, such as an employment having as a primary assignment the discharge of a court's orders and the maintenance of court minutes.

(e) Chief deputy clerk, which shall include assisting in supervision and direction of court affairs, filling in for courtroom clerks and other employees during absences, and being responsible for court operations in the absence of the clerk-administrator.

(f) Clerk-administrator of the court I, which shall include all municipal court positions in single-judge courts charged with the overall responsibility for managing and supervising the court clerical operations including courtroom clerical duties.

(g) Clerk-administrator of the court II, which shall include any municipal court position in a multijudge court charged with the overall responsibility for managing and supervising court clerical operations including courtroom duties.

(h) Deputy marshal I, which shall include all marshals' offices employments assigned to discharge the peace officer responsibilities of the marshal including establishment and maintenance of law and acting as bailiff when the municipal court is in session.

(i) Deputy marshal II, which shall include any position in a marshal's office responsible for assigning and reviewing the work of several deputy marshals I in serving court processes and other peace officer activities.

(j) Marshal I, which shall include any nonelective position responsible for the management and supervision of the duties of the office of marshal in any single-judge judicial district.

(k) Marshal II, which shall include any nonelective position responsible for the management and supervision of the duties of the office of marshal in any multijudge judicial district.

SEC. 3. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County:

Salary Schedule					
Range No.	1	2	3	4	5
20	\$415	\$436	\$458	\$480	\$504
21	424	446	469	493	517
22	436	458	480	504	530
23	446	469	493	517	544
24	458	480	504	530	556
25	469	493	517	544	570
26	480	504	530	556	584
27	493	517	544	570	599
28	504	530	556	584	613
29	517	544	570	599	628
30	530	556	584	613	644
31	544	570	599	628	659
32	556	584	613	644	676
33	570	599	628	659	693
34	584	613	644	676	710
35	599	628	659	693	728
36	613	644	676	710	746
37	628	659	693	728	764
38	644	676	710	746	783
39	659	693	728	764	802
40	676	710	746	783	822
41	693	728	764	802	841
42	710	746	783	822	862
43	728	764	802	841	883
44	746	783	822	862	905
45	764	802	841	883	927
46	783	822	862	905	951
47	802	841	883	927	973
48	822	862	905	951	997
49	841	883	927	973	1,022
50	862	905	951	997	1,047
51	883	927	973	1,022	1,072
52	905	951	997	1,047	1,099
53	927	973	1,022	1,072	1,126
54	951	997	1,047	1,099	1,154
55	973	1,022	1,072	1,126	1,182

56	997	1,047	1,099	1,154	1,212
57	1,022	1,072	1,126	1,182	1,242
58	1,047	1,099	1,154	1,212	1,272
59	1,072	1,126	1,182	1,242	1,304
60	1,099	1,154	1,212	1,272	1,336
61	1,126	1,182	1,242	1,304	1,370
62	1,154	1,212	1,272	1,336	1,403
63	1,182	1,242	1,304	1,370	1,438
64	1,212	1,272	1,336	1,403	1,474
65	1,242	1,304	1,370	1,438	1,510
66	1,272	1,336	1,403	1,474	1,548
67	1,304	1,370	1,438	1,510	1,586
68	1,336	1,403	1,474	1,548	1,624
69	1,370	1,438	1,510	1,586	1,666
70	1,403	1,474	1,548	1,624	1,707
71	1,438	1,510	1,586	1,666	1,748
72	1,474	1,548	1,624	1,707	1,792
73	1,510	1,586	1,666	1,748	1,836
74	1,548	1,624	1,707	1,792	1,880
75	1,586	1,666	1,748	1,836	1,927

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until the 61st day after adjournment of the 1973 Regular Session of the Legislature.

SEC. 4. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

- (a) Deputy clerk I Range 25
- (b) Deputy clerk II Range 30
- (c) Deputy clerk III Range 37
- (d) Deputy clerk IV Range 47
- (e) Chief deputy clerk Range 55
- (f) Clerk-administrator
of the court I Range 56
- (g) Clerk-administrator
of the court II..... Range 64
- (h) Deputy marshal I Range 51
- (i) Deputy marshal II Range 57
- (j) Marshal I..... Range 65
- (k) Marshal II Range 69

SEC. 5. Section 73352 of the Government Code is amended to read:

73352. Certain classifications in the municipal courts and marshals' offices are deemed to be equivalent in job and salary level to certain classifications in the service of Contra Costa County and whenever the salary of a classification in the service of Contra Costa County is adjusted by the board of supervisors, the salary of the comparable classification in the municipal courts or marshals' offices shall be adjusted a commensurate number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature.

(a) The class of deputy clerk I is equivalent in job and salary level to the class of typist-clerk I in the service of Contra Costa County. The class of deputy clerk III is equivalent to typist-clerk II.

(b) Whenever the salary of the class of deputy clerk II is adjusted as described above, the class of deputy clerk III shall be adjusted an equivalent number of ranges on the salary schedule.

(c) The class of deputy marshal I is equivalent in job and salary level to the class of deputy sheriff in the service of Contra Costa County. The class of deputy marshal II shall be allocated to a salary range which is 15 percent above that of deputy marshal I. The class of marshal I shall be allocated to a salary range which is 15 percent above the deputy marshal II, and the class of marshal II shall be allocated to a salary range which is 10 percent above that of marshal I. If on the effective date of this amendment the actual salary rate for marshal I or a marshal II exceeds the salary rate applicable as a result of the percentage differentials cited above, the existing salary rate shall continue in effect until exceeded by the applicable percentage differentials.

(d) The position of municipal court reporter is equivalent in job responsibility to positions described and functioning as superior court reporters in Contra Costa County. Whenever the superior court reporters are authorized a basic salary adjustment, the salary of municipal court reporters shall be adjusted. Such adjustment shall be effective on the same date as the superior court reporter salaries are adjusted.

(e) The class of deputy clerk IV is allocated two (2) ranges on the basic salary schedule established by Section 73351 below the county class of superior court clerk. Whenever the salary of the class of superior court clerk is adjusted by the board of supervisors the classes of deputy clerk IV, shall be adjusted an equivalent number of ranges on the salary schedule.

(f) The class of chief deputy clerk shall be allocated to a salary range which is 20 percent above that of deputy clerk IV.

(g) The class of clerk-administrator of the court I shall be allocated to a salary schedule which is 2½ percent above that of chief

deputy clerk, and the range of clerk-administrator of the court II to a salary range which is 20 percent above that of clerk-administrator of the court I.

SEC. 6. Section 73353 of the Government Code is amended to read:

73353. There shall be one clerk-administrator of the court for each court who shall be appointed by the judge in a single-judge district, the presiding judge in a two-judge district, or a majority of the judges in districts having more than two judges, provided that as of the effective date of this amendment, the clerk of each municipal court shall become the clerk-administrator.

The clerk-administrator of the particular municipal court shall appoint all other employments in the municipal court offices subject to the approval of the judge in a single-judge district, the presiding judge in a two-judge district, or a majority of judges in districts having more than two judges.

SEC. 7. Section 73355 of the Government Code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

- (a) One (1) clerk-administrator of the court II.
- (b) One (1) chief deputy clerk.
- (c) Six (6) deputy clerks IV.
- (d) Six (6) deputy clerks III.
- (e) Twelve (12) deputy clerks II or deputy clerks I, not to exceed a combined total of 12 positions at any one time.

SEC. 8. Section 73356 of the Government Code is amended to read:

73356. In a municipal court district having three judges, the following positions are authorized:

- (a) One (1) marshal II.
- (b) One (1) deputy marshal II.
- (c) Nine (9) deputy marshals I.
- (d) One (1) deputy clerk III.
- (e) Four (4) deputy clerks II or deputy clerks I, not to exceed a combined total of four positions at any one time.
- (f) Ten (10) deputies, who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 9. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the following positions are authorized:

- (a) One (1) clerk-administrator of the court II.

- (b) One (1) chief deputy clerk.
- (c) Four (4) deputy clerks IV.
- (d) Five (5) deputy clerks III.
- (e) Eleven (11) deputy clerks II or deputy clerks I, not to exceed a combined total of 11 positions at any one time.

SEC. 10. Section 73358 of the Government Code is amended to read:

73358. In a municipal court district having two judges, the following positions are authorized:

- (a) One (1) marshal II.
- (b) One (1) deputy marshal II.
- (c) Five (5) deputy marshals I.
- (d) One (1) deputy clerk III.
- (e) Three (3) deputy clerks II or deputy clerks I, not to exceed a combined total of three positions at any one time.

(f) Ten (10) deputies, who serve as custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 11. Section 73359 of the Government Code is amended to read:

73359. In a municipal court district having one judge, the following positions are authorized:

- (a) One (1) clerk-administrator of the court I
- (b) Two (2) deputy clerks IV
- (c) Two (2) deputy clerks III
- (d) Seven (7) deputy clerks II or deputy clerks I, not to exceed a combined total of seven positions at any one time.

SEC. 12. Section 73360.1 of the Government Code is amended to read:

73360.1. Approval of the board of supervisors shall be obtained prior to filling any such positions in Sections 73355, 73356, 73357, or 73358.

CHAPTER 505

An act to add Section 34271.5 to the Health and Safety Code, relating to housing authorities.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 34271.5 is added to the Health and Safety Code, to read:

34271.5. (a) The governing body of a county of the 10th class may appoint two additional commissioners to increase the number of commissioners of an authority which is in existence and transacting business and exercising its powers on the effective date of this section.

(b) One of the two additional commissioners shall be a project tenant and the other shall be a senior citizen over 62 years of age who may be a tenant. The two additional commissioners first appointed shall not be or have been commissioners of such authority.

(c) The two additional commissioners shall serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term.

(d) Under this section, four commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes.

(e) All of the provisions of this part shall apply to an authority of a county of the 10th class, except those provisions which conflict with the provisions of this section.

 CHAPTER 506

An act to amend Section 31214 of the Education Code, relating to state competitive scholarships.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 31214 of the Education Code is amended to read:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars (\$300), four hundred dollars (\$400), five hundred dollars (\$500), six hundred dollars (\$600), seven hundred dollars (\$700), eight hundred dollars (\$800), nine hundred dollars (\$900), or not to exceed nine

hundred dollars (\$900) plus ninety percent (90%) of tuition and fees in excess of nine hundred dollars (\$900) in one hundred dollar (\$100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms, sessions, or quarters of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of two thousand dollars (\$2,000); except that the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one academic year proportional to the period of additional attendance resulting from attendance at a summer term, session, or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms, sessions, or quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed one thousand five hundred dollars (\$1,500) for a year except awards given for attendance during the 1969-1970 fiscal year and thereafter.

SEC. 2. Section 31214 of the Education Code is amended to read:
31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars (\$300) to not to exceed two thousand four hundred dollars (\$2,400) in one hundred dollars (\$100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms, sessions, or quarters of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of two thousand four hundred dollars (\$2,400); except that

the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one academic year proportional to the period of additional attendance resulting from attendance at a summer term, session, or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms, sessions, or quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed two thousand dollars (\$2,000) for a year except awards given for attendance during the 1973-1974 fiscal year and thereafter.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1592 are both chaptered and amend Section 31214 of the Education Code, and this bill is chaptered after Assembly Bill No. 1592, that the amendments to Section 31214 proposed by both bills be given effect and incorporated in Section 31214 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1592 are both chaptered, both amend Section 31214, and Assembly Bill No. 1592 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 507

An act to amend Section 13121 of the Education Code, relating to certificated employees.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 13121 of the Education Code is amended to read:

13121. At least 30 days prior to any Committee of Credentials meeting or hearing at which the application or credential of a certified employee is to be considered, the committee shall notify the certified employee of the specific allegations of misconduct for which the application or credential may be denied, suspended, or revoked in ordinary and concise language setting forth the acts or omissions charged and the statutes or rules violated. Supplemental allegations of misconduct shall be sent to the certified employee 30 days prior to such meeting or hearing. The portions of the investigation of the original or supplemental allegations which constitute the basis for such allegations shall be open to inspection and copying by such employee and his attorney. The statement of the allegations shall inform such employee that such allegations, if they are true, are sufficient to cause his application or credential to be denied, suspended, or revoked.

The committee shall order the investigation of allegations of misconduct to be discontinued if a meeting or hearing on such allegations is not commenced within one year of the date of notification of the original allegations to such employee. An extension for one six-month period may be made by the chairman of the commission upon the submission to the committee of a statement of the cause or causes for such extension.

The decision of the committee shall be in writing and a copy of such decision shall be delivered to the certified employee personally or sent to him by registered mail within 30 days after the meeting or hearing together with specific information relative to any administrative hearing to which such employee is entitled.

SEC. 2. This act shall become operative on July 1, 1973, or on such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970, as amended.

CHAPTER 508

An act to amend Section 27321.5 of the Government Code, relating to county recorders.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 27321.5 of the Government Code is amended to read:

27321.5. Before acceptance for recording, in addition to the address required on each document for delivery by the recorder:

(a) Every deed or instrument executed to convey fee title to real property shall have noted across the bottom of the first page thereof the name and address to which future tax statements may be mailed; and,

(b) Every deed of trust or mortgage with power of sale upon real property, shall specify the address of the trustor or mortgagor, or if more than one, the address of any one of them, and shall contain a request by the trustor or mortgagor that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to one trustor or mortgagor designated for the purpose of receiving such notice at the address so specified;

However, the failure to so note, or any error in noting, any such name or address or request shall not affect the validity of the deed, instrument, deed of trust or mortgage or the notice otherwise imparted by recording. The provisions of this section shall not apply to the State Lands Commission.

CHAPTER 509

An act to amend Section 33356 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 33356 of the Health and Safety Code is amended to read:

33356. Prior to such joint public hearing, the agency shall submit the plan to the planning commission by the same procedure as is provided in Section 33346, and to the legislative body. The submission of the plan to the legislative body shall be accompanied by the report required by Section 33352. Notice of the joint public hearing shall conform to all requirements prescribed by Sections 33349, 33350, and 33361. The joint public hearing shall thereafter proceed by the same requirements as are provided in Sections 33360, 33362, 33363, and 33363.5.

CHAPTER 510

An act to amend Section 23270 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 23270 of the Vehicle Code is amended to read:

23270. (a) No person shall commence to tow any vehicle or other object on any vehicular crossing unless authorized to do so by the Department of Public Works and unless such towing is done by means of a tow car as defined in Section 615. No person other than a member of the California Highway Patrol or an employee of the Department of Public Works shall by means of pushing with another vehicle propel any vehicle or object on a vehicular crossing. No person other than an employee of the Department of Public Works shall on any vehicular crossing, tow any vehicle or other object except a vehicle or object constructed and designed to be towed by a vehicle of a type similar to that being used for such purpose.

(b) The California Toll Bridge Authority shall, by regulation, establish the maximum towing fee which may be charged by any person authorized to tow a vehicle pursuant to subdivision (a). No such authorized person shall charge a fee for towing a vehicle which is in excess of such maximum fee established by the California Toll Bridge Authority.

(c) The Director of Public Works may grant a special permit to any person to tow any vehicle or object over and completely across any vehicular crossing when in his judgment the towing vehicle is so constructed and equipped that the vehicle or object can be towed across the vehicular crossing without endangering persons or property and without interrupting the orderly traffic across the vehicular crossing.

(d) The prohibitions of this section shall apply only on those vehicular crossings upon which a towing service is maintained by the Department of Public Works.

CHAPTER 511

An act to amend Sections 33450, 33452, and 33457 of the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 28, 1972. Filed with Secretary of State July 28, 1972.]

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

SECTION 1. Section 33450 of the Health and Safety Code is amended to read:

33450. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the project area to add land to or exclude land from the project area.

SEC. 2. Section 33452 of the Health and Safety Code is amended to read:

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33373 and of the boundaries of the land proposed to be added to the project area, if any, and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land not owned by the agency within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city; or to the owner of each parcel of land within such boundaries as such ownership is shown on the records of the county recorder 30 days prior to the date the notice is published, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. Copies of the notices shall also be mailed to the governing body of each of the taxing agencies which levies taxes upon any property in the project area designated in the redevelopment plan as proposed to be amended. The notice shall be mailed by certified mail with return receipt requested.

SEC. 3. Section 33457 of the Health and Safety Code is amended to read:

33457. After the amendment of a redevelopment plan to add the provision permitted by Section 33670, or to increase or reduce the boundaries of the project area, the clerk of the community shall

transmit a copy of the ordinance amending the plan, a description of the land within the project area, a copy of the ordinance adopting the plan, and a map or plat indicating the boundaries of the project area to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of the auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; to the governing body of each of the taxing agencies which levies taxes upon any property in the project area; and to the State Board of Equalization.

Such documents shall be transmitted as promptly as practicable following the adoption of the amended redevelopment plan, but in any event, on or before the January 1st next following the adoption of the amended plan. The legal effect of such transmittal shall be as set forth in Section 33674.

SEC. 4. The amendments of Sections 33450, 33452, and 33457 of the Health and Safety Code, made by this act do not constitute a change in, but are declaratory of, the preexisting law.

CHAPTER 512

An act making an appropriation for correctional employees' salary increases, to take effect immediately, usual current expenses.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of five million dollars (\$5,000,000), for salary increases for all classes in the adult and juvenile correctional custody occupational group and closely related classes at or below the salary range of program administrator, correctional institution, to be allocated by the Department of Finance to the Department of Corrections and Department of the Youth Authority in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each such officer or employee, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1972, by the State Personnel Board for such positions.

SEC. 2. Before any increased salary range or rate established for any position for the period July 1, 1972, to June 30, 1973, shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available to meet the cost of such increases.

SEC. 3. This act makes an appropriation for the usual current

expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 513

An act to amend the heading of Chapter 9 (commencing with Section 29500) of, and to add Article 7 (commencing with Section 29590) to Chapter 9 of, Part 2 of Division 10 of the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. The heading of Chapter 9 (commencing with Section 29500) of Part 2 of Division 10 of the Public Utilities Code is amended to read:

CHAPTER 9. ANNEXATION

SEC. 2. Article 7 (commencing with Section 29590) is added to Chapter 9 of Part 2 of Division 10 of the Public Utilities Code, to read:

Article 7. Annexation of Land Owned Solely by District

29590. When the district is the sole owner of any tract of land within the County of San Mateo upon which is located works and facilities of the district, the board, upon determining that the inclusion of that land will be for the best interests of the district, may, by resolution, declare that such land shall be included in the district. The inclusion of such land within the district is effective immediately upon the adoption of the resolution.

CHAPTER 514

An act to amend Sections 1113, 1129, and 1344 of the Education Code, relating to school district elections.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 1113 of the Education Code is amended to read:

1113. The county clerk, or the county registrar of voters if such office has been established, having jurisdiction over a governing board member election shall cause a notice to file declarations of candidacy and nominations of candidates to be published in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. Such notice shall be substantially in the form provided in subdivision (c) of Section 1129.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 110 days, and the last publication shall be made not less than 70 days, prior to the date set for the election.

Proof of publication may be by affidavit.

SEC. 2. Section 1129 of the Education Code is amended to read:

1129. The forms for declaration of candidacy, nomination of candidate by sponsors, and notice to declare candidacy for governing board election prescribed in this article are as provided in this section.

(a) The declaration of candidacy shall be in substantially the following form:

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ district, of the County of _____; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held on the _____ day of _____, 19____.

Residence address: _____"

In an election held under Section 1120 to elect additional governing board members all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

(b) The declaration of sponsors proposing a candidate for election to the governing board shall be in substantially the following form:

DECLARATION OF CANDIDACY BY SPONSORS

"I, the undersigned, am a registered voter of the _____ School District. I hereby propose and sponsor _____, who resides at _____ (giving street address and name of city or town of residence, if any), _____ School District, County of _____, State

of California, and who is a registered voter in the district, as a candidate for election to the governing board of the _____ School District, to be voted for at the election to be held on the _____ day of _____, 19____, and I hereby assert as follows:

My knowledge of _____ is sufficient to warrant my urging his election to the governing board, and in my opinion he is mentally, morally, and physically fit for the office and should be elected to fill it.

My residence and occupation are correctly set forth after my signature hereto.

Name	Residence	Occupation
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby accept the nomination as above proposed. If elected I will qualify and serve to the best of my ability.

Signature of proposed candidate”

In an election held under Section 1120 to elect additional governing board members, the declaration shall contain a statement whether the proposed candidate is a candidate for the existing office or for the new offices.

(c) Notices to declare candidacy for governing board elections shall be in substantially the following form:

“NOTICE TO DECLARE CANDIDACY FOR GOVERNING BOARD MEMBER ELECTION

“NOTICE IS HEREBY GIVEN TO ALL QUALIFIED PERSONS that an election will be held in the _____ School District, County of _____, State of California, on the _____ day of _____, 19____, for the purpose of electing _____ members to the governing board of the school district.

“Forms for declaring candidacy and for the nomination of candidates for the election are available from the office of the County Clerk or County Registrar of Voters at _____ (giving address at which forms may be obtained), California.

“Declarations of candidacy and nominations by sponsors must be filed with the County Clerk or County Registrar of Voters at the above address not later than the _____ day of _____ 19____.”

SEC. 3. Section 1344 of the Education Code is amended to read:

1344. Except where the procedure prescribed by Section 1343 is utilized, and except as otherwise provided for consolidated elections, the county clerk, or the county registrar of voters if such office has been established, having jurisdiction over any school district election shall cause formal notice of such election to be published in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 90 days, and the last publication shall be made not less than seven days, prior to the date set for the election.

Proof of such publication may be by affidavit.

CHAPTER 515

An act to amend Section 69605 of the Government Code, relating to judges.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 69605 of the Government Code is amended to read:

69605. In the County of Tulare there shall be four judges of the superior court.

CHAPTER 516

An act to amend Section 3528 of the Government Code, relating to state employee relations.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 3528 of the Government Code as added by Chapter 254 of the Statutes of 1971 is amended to read:

3528. Employee organizations shall have the right to represent their members in their employment relations, including grievances, with the state. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf or through his chosen representative in his employment relations and grievances with the state.

unincorporated territory and the corporate area on the basis of assessed valuation of the taxable property in such zone. Where the corporate area of more than one city is included in the zone and the proportionate representation between the unincorporated territory and the corporate area is such that each city will not have the right to representation by at least one representative, the representation of the corporate area shall be by representatives nominated jointly by the councils of such cities.

SEC. 2. Section 17.1 is added to the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), to read:

Sec. 17.1. The board by ordinance adopted from time to time may establish special drainage areas within the district without reference to the boundaries of other zones or subzones setting forth in each such ordinance a description of such special drainage areas by metes and bounds and entitling each such area by an area designation or number and institute specific drainage plans for the specific benefit of such areas. Before acquiring authority to proceed with the establishment of any special drainage area the exterior boundaries of which will include any land lying within the exterior boundary of any chartered or incorporated city not previously annexed to the district the board shall first obtain the concurrence of such city by a resolution or ordinance adopted by a majority of the city council of such city and shall proceed to annex such area to the district and to the zone or zones of the district most nearly contiguous thereto. Notwithstanding the provisions of paragraph 1 of Section 45 of this act such special drainage area may be annexed to the district and the zone without the necessity of annexing the entire incorporated territory of such city.

A special drainage area may include all lands contributing to the drainage requirements of an area excluding such lands as are already developed or those which are adequately served, in the opinion of the board, by existing local drainage facilities serving the area at the time of the adoption of the plan for additional special drainage area facilities.

Whenever drainage facilities conforming to the adopted drainage plan are required in the development of any land within the special drainage area and where, in the opinion of the board, it is necessary that facilities be constructed which can be or will be used for the benefit of other property in the drainage area and such drainage facilities are dedicated to the public, the board may contract with the developer and agree to reimburse and may reimburse him for all or any portion of such drainage facilities. Such contract shall provide that the board may collect a reasonable charge from any person, corporation or agency using such facilities for the benefit of other property in the special drainage area.

Fees may be collected pursuant to this section for payment of all or any portion of any such drainage facility cost if the costs, whether actual or estimated, are based upon findings by the board that

development of property within the planned special drainage area will require construction of the facilities described in the drainage plan and that the fees are fairly apportioned within the local drainage area on the basis of benefits conferred on the property within the area. The fee as to any property within the special drainage area may be charged and collected as a condition precedent to the development of such property, and no building permit therefor shall be issued until payment thereof, and such fee shall not exceed the pro rata share of the amount of the total actual or estimated costs of all such drainage facilities within the special drainage area which would be assessable on such property if such costs were apportioned on a uniform fee schedule, excluding, however, such property within the area as, in the opinion of the board, is incapable of development.

The fees collected by the district, pursuant to this section, shall be paid into a special drainage facilities fund. A separate fund shall be established for each special drainage area. Any money placed in such fund shall be expended solely for land acquisition, construction, engineering, repair, maintenance and operation or reimbursement for the same, in whole or in part, of local drainage facilities within the planned special drainage area from which the fees comprising the fund were collected.

The term "developer," as used herein, shall include a subdivider, industrial developer, or any person, corporation, the district, public or private agency, or group that may participate in the special drainage facilities constructed pursuant to this section.

Any drainage facilities constructed in any special drainage area may be installed by the developer at his sole cost and expense in accordance with plans and specifications prepared or approved by the district, by the district with its own funds, or by the district with funds supplied by the developer, and the cost thereof may be collected and repaid in whole or in part, in the manner provided for in this section.

SEC. 3. Section 17.2 is added to the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), to read:

Sec. 17.2. Prior to the establishment of any special drainage area pursuant to Section 17.1 of this act the board shall adopt a resolution specifying its intention to adopt an ordinance to establish such special drainage area. Such resolution shall refer to a map or maps showing the general location of such area and be accompanied by the proposed ordinance prescribing whatever fees and charges are to be imposed therein and fixing the time and place of a public hearing of the resolution of intention.

Such proposed ordinance shall refer to the area to be benefited by the works and facilities to be constructed within the special drainage area and shall contain a description of the boundaries of the area of benefit and the costs, whether actual or estimated, and the method of fee apportionment employed and upon adoption shall be filed with the Recorder of San Diego County. Such ordinance shall further

provide that such apportioned fees shall be applicable to all property within the area of benefit not specifically excluded therefrom and that they shall be payable as a condition precedent to the issuance of a building permit for such property or portions thereof.

Notice of the hearing hereinabove provided shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the district and circulated in such special drainage area if there be such newspaper and if there be no such newspaper, then by posting such notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such proposed special drainage area. Publication shall be completed in accordance with Section 6066 of the Government Code. Such notice must designate a public place in the County of San Diego where a copy or copies of the map or maps, the boundaries of such proposed special drainage area, the proposed specific drainage plan and the proposed ordinance may be seen by any interested person and such materials must be maintained for inspection in such public place so designated in the notice at least two weeks prior to the hearing. Also notice of the hearing shall be given by mailing a copy of the notice to each property owner within the proposed special drainage area as such owners are shown on the last equalized assessment roll.

SEC. 4. Section 17.3 is added to the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), to read:

Sec. 17.3. (a) At any hour not later than the hour set for hearing protests or objections to the proposed ordinance and establishment of the proposed special drainage area and adoption of the specific drainage plan, any owner of property within a proposed special drainage area may make written protest against the establishment of the special drainage area or against the plan or development of the same or against the proposed determination of benefit or apportionment of charges and fees. Such protests shall be in writing, shall contain a description of the property in which each signer thereof is interested sufficient to identify the same and if the signers are not shown in the last equalized county assessment roll as owners of such property shall contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the clerk and no other protest or objections shall be considered.

(b) At the time set for hearing protests the board shall proceed to hear and pass upon all protests as herein required and its decision shall be final and conclusive. The board may adjourn the hearings from time to time. Any such protest may be withdrawn by the owner making the same at any time prior to the conclusion of the protest hearing or any such adjournment thereof.

(c) If the board finds that the protest is made by the owners of more than one-half of the area of the property within a proposed special drainage area, and protests are not withdrawn so as to reduce

the same to less than a majority, no further proceedings as to such proposed special drainage area shall be taken for a period of six months from the date of the decision of the board on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the board.

(d) If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are "owners" of property within a proposed special drainage area, the board shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The board shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership shall be final and conclusive.

(e) At the conclusion of the hearing as hereinabove provided, if no protests or objections in writing have been filed with the clerk up to the hour set for the hearing thereon or if protests have been found by the board to be insufficient, or have been overruled, the board shall determine and establish the boundaries of the proposed special drainage area and may thereupon adopt the proposed ordinance and cause its recordation on its effective date with the Recorder of the County of San Diego.

CHAPTER 518

An act to add Section 99262.5 to the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 99262.5 is added to the Public Utilities Code, to read:

99262.5. Any transit district whose formation was approved in an election held in June 1972 may include in its claim an amount to reimburse any city in the district for financial support the city has provided to a regularly scheduled transportation service available to the public from July 1, 1972, through December 31, 1972.

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

In order that any transit district whose formation was approved in an election held in June 1972 may include, in its claim for the 1972-1973 fiscal year for funds from a local transportation fund for the

financial support of its public transportation system, an amount to reimburse any city in the district for financial support the city has provided to a regularly scheduled transportation service available to the public from July 1, 1972, through December 31, 1972, it is necessary that this act take effect immediately.

CHAPTER 519

An act to add Section 7357 to the Labor Code, relating to aerial tramways.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 7357 is added to the Labor Code, to read:
7357. The division shall establish standards for the qualification of persons engaged in the operation of aerial passenger tramways, whether as employees or otherwise. The standards shall be consistent with the general objective of this chapter in providing for the safety of members of the public who use aerial passenger tramways and those engaged in their operation.

CHAPTER 520

An act to amend Section 31592.2 of the Government Code, relating to the County Employees Retirement Act of 1937.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972.]

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

SECTION 1. Section 31592.2 of the Government Code is amended to read:

31592.2. In any county, earnings of the retirement fund during any year in excess of the total interest credited to contributions and reserves during such year shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that when such surplus exceeds 1 percent of the total assets of the retirement system, the board may transfer all or any part of such surplus in excess of 1 percent of the said total assets into county advance reserves for the sole purpose of payment of the cost of the benefits described in this chapter.

Where the board of supervisors has provided for the payment of

all or a portion of the premiums, dues, or other charges for health benefits, Medicare or the payment of accrued sick leave at retirement to or for all or a portion of officers, employees and retired employees and their dependents, from the county general fund or other sources, the board of retirement may authorize the payment of all or a portion of payments of the benefits described in this paragraph from the county advance reserves.

CHAPTER 521

An act to add Section 424.5 to the Government Code, relating to state emblems.

[Approved by Governor July 28, 1972. Filed with
Secretary of State July 28, 1972]

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

SECTION 1. Section 424.5 is added to the Government Code, to read:

424.5. The California dog-face butterfly (*Zerene eurydice*) is the official State Insect.

CHAPTER 522

An act to add Sections 10124, 10351, and 11512.16 to the Insurance Code, and to add Section 12532.6 to the Government Code, relating to insurance.

[Approved by Governor July 28, 1972 Filed with
Secretary of State July 28, 1972]

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

SECTION 1. Section 10124 is added to the Insurance Code, to read:

10124. Each self-insured employee benefit plan issued or renewed on or after the effective date of this section shall provide, where feasible, that benefits for confinement in an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code, may be provided under such terms and conditions as may be agreed upon between the employer and the employee or employee organization.

Nothing in this section shall preclude a self-insured employee benefit plan from providing benefits for confinement in institutions other than extended care facilities as defined in this section.

SEC. 2. Section 10351 is added to the Insurance Code, to read:

10351. Each policy of disability insurance issued or renewed on or after the effective date of this section, shall provide, where feasible, that benefits for confinement in an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code, may be provided under such terms and conditions as may be agreed upon between the insured, or group policyholder, and the insurer.

Nothing in this section shall preclude a disability insurance policy from providing benefits for confinement in institutions other than extended care facilities as defined in this section.

SEC. 3. Section 11512.16 is added to the Insurance Code, to read:

11512.16. Each hospital service contract entered into or renewed on or after the effective date of this section, shall provide, where feasible, that benefits for confinement in an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code, may be provided under such terms and conditions as may be agreed upon between the member and the corporation.

Nothing in this section shall preclude such a plan from providing benefits for confinement in institutions other than extended care facilities as defined in this section.

SEC. 4. Section 12532.6 is added to the Government Code, to read:

12532.6. Each health care service plan entered into or renewed on or after the effective date of this section shall provide, where feasible, that benefits for confinement in an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code, may be provided under such terms and conditions as may be agreed upon between the covered person and the plan.

Nothing in this section shall preclude such a plan from providing benefits for confinement in institutions other than extended care facilities as defined in this section.

CHAPTER 523

An act to add Section 4 to Chapter 562 of the Statutes of 1971, relating to workmen's compensation.

[Approved by Governor August 1, 1972. Filed with Secretary of State August 1, 1972.]

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

SECTION 1. Section 4 is added to Chapter 562 of the Statutes of 1971, to read:

Sec. 4. This act shall apply to any appeal involving a member of a district attorney's staff of inspectors and investigators who had an appeal pending on January 1, 1972.

CHAPTER 524

An act to amend Section 253.4 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 1, 1972. Filed with Secretary of State August 1, 1972.]

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

SECTION 1. Section 253.4 of the Streets and Highways Code is amended to read:

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

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.

Route 49 from:

- (a) Route 41 near Oakhurst to Route 140 near Mariposa.
- (b) Route 108 south of Jamestown to Route 108 near Sonora.
- (c) Route 88 near Jackson to Route 50 near Placerville.
- (d) Route 80 near Auburn to Route 20 near Grass Valley.
- (e) Route 20 at Nevada City to Route 89 near Sattley.
- (f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

- (a) Route 5 to Route 43.
- (b) Route 43 to Route 99.
- (c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 64 from Route 101 near Hidden Hills to Route 5.

Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 15.

Route 77 from Route 93 westerly of Moraga to Route 242 near Concord.

CHAPTER 525

An act to amend Section 17668 of the Education Code, relating to financial support of the public schools.

[Approved by Governor August 2, 1972. Filed with Secretary of State August 2, 1972.]

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

SECTION 1. Section 17668 of the Education Code is amended to read:

17668. The Superintendent of Public Instruction may increase

the various foundation programs in accordance with the specifications in the Budget Act in order to apportion amounts specifically appropriated in the Budget Act for cost increases due to inflation. Such increases shall be effective only during the fiscal year for which such appropriation is made.

In increasing the necessary small school foundation programs computed for elementary school districts with an average daily attendance of less than 101, high school districts with an average daily attendance of less than 301, or community college districts with an average daily attendance of less than 1,001, he shall compute the increase as if it were for the maximum number of pupils allowed in the applicable necessary small school range in which the districts fall.

CHAPTER 526

An act to amend Sections 537e and 1411 of the Penal Code, relating to unmarked property.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

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

SECTION 1. Section 537e of the Penal Code is amended to read:
537e. (a) Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, bicycle, a firearm, safe or vacuum cleaner, dictaphone, watch, watch movement, watch case, or any mechanical or electrical device, appliance, contrivance, material, piece of apparatus or equipment, from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor.

(b) When property described in subdivision (a) comes into the custody of a peace officer it shall become subject to the provision of Chapter 12 (commencing with Section 1407), Title 10 of Part 2, relating to the disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property for the purposes of that chapter, and prior to being disposed of, shall have an identification mark imbedded or engraved in, or permanently affixed to it.

(c) This section does not apply to those cases or instances where any of the changes or alterations enumerated in subdivision (a) have been customarily made or done as an established practice in the ordinary and regular conduct of business, by the original manufacturer, or by his duly appointed direct representative, or under specific authorization from the original manufacturer.

SEC. 2. Section 1411 of the Penal Code is amended to read:

1411. Except as provided in Section 516 of the Welfare and Institutions Code, if the property stolen or embezzled is not claimed by the owner before the expiration of six months, or in the case of a bicycle before the expiration of three months, from the conviction of a person for an offense involving the theft, embezzlement or possession of such property, or if a conviction was not obtained, then from the time the property came into the possession of the peace officer or the case involving the person from whom it was obtained is disposed of, whichever is later, the magistrate or other officer having it in custody must, on the payment of the necessary expenses incurred in its preservation, deliver it to the county treasurer or other proper county officer, by whom it must be sold and the proceeds paid into the county treasury. If such property is transferred to the county purchasing agent it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the county officer determines that any such property transferred to him for sale is needed for a public use, such property may be retained by the county and need not be sold.

CHAPTER 527

An act to amend Sections 117a, 117b, 117c, 117d, 117h, and 117p of the Code of Civil Procedure, relating to small claims court.

[Approved by Governor August 4, 1972 Filed with
Secretary of State August 4, 1972.]

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

SECTION 1. Section 117a of the Code of Civil Procedure is amended to read:

117a. Actions shall be commenced, heard and determined in the small claims court under the provisions of this chapter whenever any person executes a claim under oath substantially in the form set forth in Section 117b of this code, and files the same with the judge or the clerk or deputy clerk of said justice or municipal court.

SEC. 2. Section 117b of the Code of Civil Procedure is amended to read:

117b. The claim described in Section 117a shall be on a blank substantially in the following form:

In the Small Claims Court _____, County of _____, State of California

		Plaintiff,
vs.		
		Defendant.

State of California, } ss. Claim of Plaintiff
 County of _____

_____, being duly sworn, deposes and says: That the defendant is indebted to the plaintiff in the sum of \$____; that this claimant has demanded payment of said sum; that the defendant refused to pay the same and no part thereof has been paid; that the defendant resides at _____, in the above named county, or city and county (or, "that the obligation sued on was contracted to be performed at _____ in the above named county, or city and county"); that this claimant resides at _____, county, (or city and county) of _____, in the State of California; that this claimant understands that the judgment on his claim will be conclusive without right of appeal by him.

Subscribed and sworn to before me this _____ day of _____, 19__.

 Judge (clerk or notary public).

In cases of unlawful detainer within the jurisdiction of this court, the claim described in Section 117a shall be on a blank substantially in the following form:

In the Small Claims Court _____, County of _____,

		Plaintiff,
vs.		
		Defendant.

State of California, } ss. Claim of Plaintiff
 County of _____

_____ being first duly sworn, deposes and says: That prior to _____ defendants were tenants of plaintiff in the premises described as _____, California, at a rental of \$____ per _____ payable _____; that on _____ defendants were indebted to plaintiff in the sum of \$____ as rent for said premises; that on _____ plaintiff served the attached notice on defendants; that defendants have not paid any part of the rent demanded and are still in possession of the premises without plaintiff's consent; that the rental value of said premises is \$____ per month; that this claimant understands that the judgment on his claim will be conclusive

without right of appeal by him.

Subscribed and sworn to before me this _____ day of _____, 19____.

Judge (clerk or notary public).

On the claim shall be printed:

Order

The people of the State of California, to the within named defendant, greeting:

You are hereby directed to appear and answer the within and foregoing claim at my office in _____, _____ (name of building or residence) in _____, County of _____, State of California (or at the courtroom of Department _____, of the municipal court in, etc.) on the _____ day of _____, 19____, at the hour of ____ o'clock in the _____ noon of said day; and to have with you, then and there, all books, papers, and witnesses needed by you to establish your defense to said claim.

And you are further notified that in case you do not so appear, judgment will be given against you in accordance with said claim as it is stated in said affidavit, and in addition costs of the action including costs of services of the order.

Dated this _____ day of _____, 19____.

Judge (or clerk of court).

SEC. 3. Section 117c of the Code of Civil Procedure is amended to read:

117c. The claimant shall prepare the claim as is set forth in Section 117b, or, at his request, the clerk or deputy clerk of said court, or the judge if there be no clerk, shall draft the same for him. Such claim may be presented by the claimant in person or sent to the judge or clerk by mail. Upon the receipt of such claim, properly sworn to, the clerk or deputy clerk of said court, or the judge if there be no clerk, shall file the same and make a true and correct copy thereof.

At the same time the judge, or clerk or deputy clerk shall fill in the blanks in the order printed on said copy, sign the order, and immediately thereafter enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in such claim, prepay the postage, and mail said envelope to said defendant by registered mail or certified mail and request a return receipt from addressee only, or said judge, clerk, or deputy clerk may deliver personally, or cause to be delivered, said copy and order to the defendant in person. The judge, clerk or deputy clerk, shall then attach to the original claim the receipt for the registered letter or certified letter and the return card thereon or other evidence of service of such claim and order.

SEC. 4. Section 117d of the Code of Civil Procedure is amended to read:

117d. The date for the appearance of the defendant as provided in the order endorsed on the claim shall not be more than 30 days nor less than 10 days from the date of said order if the defendant resides within the county in which the action is brought, or not more than 60 days nor less than 30 days if the defendant resides outside the county in which the action is brought. When the judge or clerk has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers and witnesses necessary to prove his claim. If the order is not served upon the defendant at least five days prior to the appearance date if the defendant resides within the county in which the action is brought, or at least 15 days prior to the appearance date if the defendant resides outside the county in which the action is brought the plaintiff may apply to the judge or clerk or deputy clerk for a new order setting a new date for the appearance of the defendant which shall not be more than 30 days nor less than 10 days from the date of the issuance of the new order if the defendant resides within the county in which the action is brought, or not more than 60 days nor less than 30 days if the defendant resides outside the county in which the action is brought.

If a defendant is not personally served or did not sign the registered mail return receipt provided in Section 117c at least five days prior to the appearance date if the defendant resides within the county in which the action is brought, or at least 15 days prior to the appearance date if the defendant resides outside the county in which the action is brought, the court does not have jurisdiction to render judgment, unless the defendant personally appears in court on the appearance date and does not request a continuance; if the defendant was not served within the minimum time specified in this paragraph the court must, upon request of an appearing defendant, continue the date of hearing for not less than 10 days.

When there are two or more defendants and one or more of them resides outside the county in which the action is brought, the date for the appearance of all the defendants shall not be more than 30 days from the date of the order to appear.

SEC. 5. Section 117h of the Code of Civil Procedure is amended to read:

117h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. If the defendant in any such action has a claim against the plaintiff which is for an amount within the jurisdiction of the small claims court as set forth in Section 117, he may file a claim under oath; a copy of the affidavit shall be delivered to the plaintiff in person not later than 48 hours prior to the hour set for the appearance of said defendant in such action. Such claim shall be

made on a blank substantially in the following form:

In the Small Claims Court of _____, County of _____, State of California.

		Plaintiff,
vs.		
		Defendant.

Claim of Defendant.

State of California, } ss.
County of _____.

_____, being first duly sworn, deposes and says: That said plaintiff is indebted to said defendant in the sum of _____ (\$_____) for _____, which amount defendant prays be allowed to the defendant against the plaintiff herein.

Subscribed and sworn to before me this _____ day of _____, 19__.

Judge (clerk or notary public.)

SEC. 6. Section 117p of the Code of Civil Procedure is amended to read:

117p. A fee of two dollars (\$2) shall be charged and collected for the filing of the claim for the commencement of any action; for each defendant to whom a copy of the claim is mailed by the clerk a fee of one dollar and fifty cents (\$1.50) shall be charged and collected; and a fee of one dollar and fifty cents (\$1.50) shall be charged and collected for the issuance of a writ of execution. Except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of claims for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

CHAPTER 528

An act to amend Section 26708 of, and to add Section 26708.5 to, the Vehicle Code, relating to vehicles.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

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

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

26708. (a) No person shall drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield, or side or rear windows, or with any object or material so placed, displayed, installed, affixed, or applied in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield or side windows.

(b) This section shall not apply to:

(1) Rearview mirrors.

(2) Adjustable nontransparent sunvisors which are mounted forward of the side windows and are not attached to the glass.

(3) Signs, stickers, or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver.

(4) Side windows which are to the rear of the driver.

(5) Direction, destination, or termini signs upon a passenger common carrier motor vehicle, providing such signs do not interfere with the driver's clear view of approaching traffic.

SEC. 2. Section 26708.5 is added to the Vehicle Code, to read:

26708.5. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield, or side or rear windows, of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows, except as provided in subdivision (b) of Section 26708.

This section shall not, however, apply to factory-installed tinted glass or the equivalent replacement thereof.

CHAPTER 529

An act to add Section 346 to the Penal Code, relating to admission tickets.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 346 is added to the Penal Code, to read:

346. Any person who, without the written permission of the owner or operator of the property on which an entertainment event is to be held or is being held, sells a ticket of admission to the entertainment event, which was obtained for the purpose of resale, at any price which is in excess of the price that is printed or endorsed upon the ticket, while on the grounds of or in the stadium, arena, theater, or other place where an event for which admission tickets are sold is to be held or is being held, is guilty of a misdemeanor.

CHAPTER 530

An act to amend Section 146 of, and to add Section 146.1 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 146 of the Streets and Highways Code is amended to read:

146. Any public agency having responsibility for the planning and development within a region of this state of public transportation systems may, with the approval of the commission, use the airspace over or under any existing state freeway in that region, or any portion other than the travel roadway of the right-of-way of such freeway, as a route for a public transportation system, such as a railway, monorail, tracked air cushion vehicle system or other such system which, in the discretion of the agency and the department, is feasible from an engineering standpoint, in conformity with established safety design standards, and is consistent with good ecological and environmental planning. The development and construction of such facilities shall be financed out of any available federal, state, and local funds.

SEC. 2. Section 146.1 is added to the Streets and Highways Code, to read:

146.1. The department shall not grant or lease to the City of Los Angeles, or any agency thereof, any interest in the right-of-way of, including the use of areas above or below, Route 405 for the operation of tracked air cushion vehicles in connection with the Los Angeles Airport Access Project, as proposed by the Los Angeles Department of Airports, unless (1) the project is consistent with the final Comprehensive Regional Transportation Plan recommended for adoption by the Southern California Association of Governments, (2) an environmental impact statement on the project has been prepared in compliance with the National Environmental Policy Act of 1969 and the State Environmental Quality Act of 1970, and (3)

the project has been approved by formal action of the governing body of each city and the county through which it passes.

CHAPTER 531

An act to amend Sections 6577, 53550, 53552, 53553, 53555, and 54309.1 of, to renumber Section 53557 of, to add Sections 53556, 53557, 53558, 53560, 53561, 53562 and 53569 to, to repeal Sections 53556 and 53558 of, and to add Article 10 (commencing with Section 53570) to Chapter 3, Part 1, Division 2, Title 5, to, the Government Code, relating to bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972 Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6577 of the Government Code is amended to read:

6577. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all of the following:

- (a) All bonds to be funded or refunded by them.
- (b) All expenses incident to the calling, retiring, or paying of the outstanding bonds and the issuance of the funding or refunding bonds, including the costs of issuing the refunding bonds (as defined in Section 53550.
- (c) Interest upon the funding or refunding bonds from the date of sale to the date of payment of the bonds to be funded or refunded out of the proceeds of the sale or the date upon which the bonds to be funded or refunded will be paid pursuant to the call or agreement with the holders of such bonds.
- (d) Any premium necessary in the calling or retiring of the outstanding bonds and the interest accruing on them to the date of the call or retirement.

SEC. 2. Section 53550 of the Government Code is amended to read:

53550. The following terms shall have the following meanings:

(a) The term "local agency" means public district, public corporation, authority, agency, board, commission, county, city and county, city, school district, or other public entity.

(b) The term "bonds" means bonds, warrants, notes or other evidence of indebtedness of a local agency or any improvement district or zone thereof payable, both principal and interest, from the proceeds of ad valorem taxes or ad valorem assessments which may be levied without limitation as to rate or amount upon property in the local agency or any improvement district or zone thereof subject

to taxation or assessment.

(c) The term "legislative body" means the board of directors or other governing body of the local agency, unless the context otherwise requires.

(d) The term "principal act" means the law under which bonds to be refunded were issued.

(e) The term "costs of issuing the refunding bonds" means those of the following costs and expenses designated by the legislative body in the resolution providing for the issuance of such bonds:

(i) All expenses incident to the calling, retiring or paying of the bonds to be refunded and to the issuance of refunding bonds, including the charges of any escrow agent or trustee in connection with the issuance of the refunding bonds or in connection with the redemption or retirement of the bonds to be refunded.

(ii) Either (a) interest upon the refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds, or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds or (b) interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds.

(iii) Any premium necessary in the calling or retiring of the bonds to be refunded.

(f) The term "designated costs of issuing the refunding bonds" means whichever of the items specified in the preceding subparagraphs (i), (ii) and (iii) are designated by the legislative body in the resolution providing for the issuance of refunding bonds.

(g) The term "federal securities" means those securities described in Sections 1360 and 1360.1 of the Financial Code.

SEC. 3. Section 53552 of the Government Code is amended to read:

53552. Whenever the legislative body of a local agency shall determine that prudent management of the fiscal affairs of the local agency requires that it issue refunding bonds under the provisions of this article, it may do so without submitting the question of the issuance of such refunding bonds to a vote of the qualified electors of such local agency, unless the legislative body determines to submit such question to a vote, in which case such election shall be held in accordance with the principal act pursuant to which the bonds to be refunded were issued. Refunding bonds shall not be issued if the total net interest cost to maturity on the refunding bonds plus the principal amount of the refunding bonds exceeds the total net interest cost to maturity on the bonds to be refunded plus the principal amount of the bonds to be refunded. Subject to such limitation, the principal amount of the refunding bonds may be more than, less than or the same as the principal amount of the bonds to be refunded.

SEC. 4. Section 53553 of the Government Code is amended to read:

53553. When the legislative body determines to issue refunding bonds pursuant to this article, it shall adopt a resolution providing for the issuance of such bonds. Such resolution shall:

(a) Describe the bonds being refunded; and the date on which it is anticipated that the exchange, purchase or call and redemption necessary to effect the refunding shall occur;

(b) Fix the date of such refunding bonds;

(c) Designate the denomination or denominations thereof;

(d) Fix the rate or rates of interest to be borne by such refunding bonds, which rate or rates shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year from date of issuance may be payable at the end of said year;

(e) Fix the maturity dates of such refunding bonds, which shall not exceed 40 years from the date of such refunding bonds, or the latest maturity date of the bonds being refunded, whichever occurs earlier;

(f) Designate the place or places of payment of both principal and interest;

(g) Prescribe the form of such refunding bonds; and

(h) State the designated costs of issuing the refunding bonds.

SEC. 5. Section 53555 of the Government Code is amended to read:

53555. Refunding bonds issued pursuant to this article may be exchanged for the bonds to be refunded on such basis as the legislative body determines is for the benefit of the local agency but in no case on the basis that the principal amount of refunding bonds exceeds the principal amount of the bonds to be refunded plus the costs of issuing the refunding bonds. As an alternative to exchanging the refunding bonds for the bonds to be refunded, the legislative body may sell the refunding bonds at public or private sale for not less than their par value. The proceeds of any sale of refunding bonds for cash shall be placed in the treasury of the local agency to the credit of a fund to be established for the purpose of refunding the bonds to be refunded, which fund shall be designated the "funding fund," and such proceeds shall be applied only as permitted by this article.

SEC. 6. Section 53556 of the Government Code is repealed.

SEC. 7. Section 53556 is added to the Government Code, to read:

53556. The designated costs of issuing the refunding bonds may be paid by the purchaser of the refunding bonds or may be paid from any other legally available source, including the general fund of the local agency, other available revenues of the local agency under the control of the legislative body, the proceeds of sale of the refunding bonds, the interest or other gain derived from the investment of any of the proceeds of sale of the refunding bonds, any other moneys in escrow or in trust or any combination thereof as the legislative body may determine; provided, however, that any amounts paid by the

local agency other than from the proceeds of sale of the refunding bonds or from interest or other gains derived from the investment of such proceeds shall be added to the total net interest cost to maturity on the refunding bonds in determining whether the test of the second sentence of Section 53552 has been met.

SEC. 8. Section 53557 of the Government Code is amended and renumbered to read:

53559. Following the issuance of any refunding bonds pursuant to this article, the legislative body of the local agency shall provide for the payment of principal and interest thereon in the same manner and at the same times as it provides for payment of principal and interest on bonds issued pursuant to its principal act and which constitute general obligations of such local agency. The legislative body may provide in the resolution of issuance of such refunding bonds for the pledge of revenues of any revenue-producing facility of the local agency as additional security for the refunding bonds to the same extent that such revenues were pledged as additional security for the bonds to be refunded.

SEC. 9. Section 53557 is added to the Government Code, to read:

53557. Any proceeds of sale of any refunding bonds may be deposited in escrow or trust with any bank or trust company within or without the state, or both within and without the state, and shall be secured in accordance with the laws applicable to funds of the local agency and may (along with any other moneys available for that purpose similarly deposited) be invested or reinvested in federal securities.

SEC. 10. Section 53558 of the Government Code is repealed.

SEC. 11. Section 53558 is added to the Government Code, to read:

53558. Such proceeds and investments in escrow or trust shall be in an amount at the time of issuance of such refunding bonds which is certified by a certified public accountant licensed to practice in this state to be sufficient to meet the requirements of subdivision (a) or paragraph (b) of this section.

(a) Such proceeds and investments, together with any interest or other gain to be derived from any such investment, shall be in an amount at least sufficient to pay (i) the principal of and interest and redemption premiums, if any, on the refunded bonds as they become due or at designated dates prior to maturity (in connection with which the legislative body has exercised or has obligated itself to exercise a redemption privilege on behalf of the local agency) and (ii) the designated costs of issuance of the refunding bonds, or

(b) Such proceeds and investments, together with any interest or other gain to be derived from any such investment, shall be in an amount at least sufficient to pay (i) the principal of and interest and redemption premiums, if any, on the refunding bonds prior to the maturity of the bonds to be refunded or prior to a designated date or dates before the maturity of the bonds to be refunded (in connection with which the legislative body has exercised or has obligated itself to exercise a redemption privilege on behalf of the

local agency), (ii) the principal of and any redemption premiums due on such refunded bonds at maturity or at said designated date or dates and (iii) the designated costs of issuance of the refunding bonds.

SEC. 12. Section 53560 is added to the Government Code, to read: 53560. Upon the issuance, sale and delivery or exchange of refunding bonds pursuant to this article:

(a) If only the refunding bonds remain outstanding, such refunding bonds shall constitute indebtedness of the local agency issuing such bonds and shall be included in any computation of general obligation indebtedness of such local agency for purposes of any debt limitation applicable to bonds of such local agency under the principal act or for any other lawful purpose;

(b) If both the refunding bonds and the bonds to be refunded remain outstanding for any period of time following the date of the issuance, sale and delivery of the refunding bonds, then until the date on which the bonds to be refunded are no longer outstanding;

(i) If the local agency has met the test of subdivision (a) of Section 53558 the refunding bonds shall constitute indebtedness of the local agency issuing such bonds and shall be included in any computation of general obligation indebtedness of such local agency for purposes of any debt limitation applicable to bonds of such local agency under the principal act or for any other lawful purpose, but the bonds to be refunded shall no longer be considered outstanding in any computation of the general obligation indebtedness of such local agency;

(ii) If the local agency has met the test of subdivision (b) Section 53558 then such refunding bonds shall, until the date on which the refunding bonds are no longer outstanding, constitute a special obligation of the local agency issuing such bonds and shall not be included in any computation of general obligation indebtedness of such local agency for any purpose, and the bonds to be refunded shall be considered outstanding in any computation of the general obligation bonded indebtedness of such local agency; but from and after the date on which the refunded bonds are no longer outstanding the refunding bonds shall constitute indebtedness of the local agency issuing such bonds and shall be included in any computation of general obligation indebtedness.

SEC. 13. Section 53561 is added to the Government Code, to read:

53561. It is hereby declared that it is a public purpose for a local agency to issue refunding bonds for the purposes set forth in this article and to invest and reinvest the proceeds thereof, and any other funds legally available therefor, for the purposes set forth herein; provided, however, that it is the intent of this article, and this article shall be so construed, that in no single fiscal year shall a tax be levied or shall funds of a local agency other than those expressly permitted herein be used to pay the principal of and interest and redemption premium, if any, on both the refunding bonds and on the bonds to be refunded.

SEC. 14. Section 53562 is added to the Government Code, to read:
53562. The powers conferred by this article are in addition and supplemental to, and not is substitution for, and the limitations imposed by this article shall not affect the powers conferred by, any other law.

SEC. 14.5. Section 53569 is added to the Government Code, to read:

53569. Before selling any bonds, any issuer shall advertise such bonds for sale at public sale and shall invite sealed bids therefor by publication of a notice once at least 10 days before the date of such public sale in a newspaper of general circulation circulated within the boundaries of each public body to be aided by the public project to be financed by the issuance of such bonds; provided that, if an issue of bonds is less than five hundred thousand dollars (\$500,000), an issuer is not required to advertise such bonds for public sale or to accept bids thereon pursuant to this section. If one or more satisfactory bids are received pursuant to such notice, such bonds shall be awarded to the highest responsible bidder. If no bids are received or if the issuer determines that the bids received are not satisfactory as to price or responsibility of the bidders, the issuer may reject all bids received, if any, and either readvertise or sell such bonds at private sale.

SEC. 15. Article 10 (commencing with Section 53570), is added to Chapter 3, Part 1, Division 2, Title 5, of the Government Code, to read:

Article 10. Refunding of Revenue Bonds of Local Agencies

53570. The following terms shall have the following meanings:

(a) The term "local agency" means public district, public corporation, authority, agency, board, commission, county, city and county, city, school district, or other public entity or any improvement district or zone thereof.

(b) The term "revenue bonds" means bonds, warrants, notes or other evidence of indebtedness of a local agency denominated revenue bonds under any law of this state and payable from funds other than the proceeds of ad valorem taxes or the proceeds of assessments levied upon property in the local agency.

53571. It is hereby declared that it is a public purpose for a local agency to issue bonds for the purpose of refunding any revenue bonds of the local agency, whether due or not due, or which have or which may hereinafter become payable at the option of such local agency, or by consent of the bondholders, or by any lawful means whether the indebtedness evidenced by such revenue bonds be now existing or may hereafter be created.

Any such refunding bonds may be outstanding at the same time as the revenue bonds to refund which such refunding bonds are issued (subject to any contractual limitations created in the proceedings for the issuance of such revenue bonds) and may be on a parity with or

subordinate to such revenue bonds.

Such refunding bonds may be issued under any applicable revenue bond law, including but not limited to, the Revenue Bond Law of 1941 (Chapter 6 of this Part), the Parking Law of 1949 (Part 2 of Division 18 of the Streets and Highways Code), the Parking District Law of 1951 (Part 4 of Division 18 of the Streets and Highways Code), and the Joint Exercise of Powers Act (Articles 1 and 2, Chapter 5, Division 7, Title 1), and shall be deemed issued for a valid public purpose and a proper bond purpose under such applicable revenue bond law.

53572. In connection with the issuance of bonds under any law permitting the issuance of refunding bonds, a local agency may declare the proceeds of such refunding bonds to be a revenue producing public facility, including an enterprise under the Revenue Bond Law of 1941, or may declare such proceeds to be part of such revenue producing public facility or enterprise or may otherwise declare such proceeds to be held, in whole or in part, and for such time as the local agency may deem advisable, in trust for the protection of holders of the bonds or of the refunding bonds.

53573. Before selling any bonds, any issuer shall advertise such bonds for sale at public sale and shall invite sealed bids therefor by publication of a notice once at least 10 days before the date of such public sale in a newspaper of general circulation circulated within the boundaries of each public body to be aided by the public project to be financed by the issuance of such bonds; provided that, if an issue of bonds is less than five hundred thousand dollars (\$500,000), an issuer is not required to advertise such bonds for public sale or accept bids thereon pursuant to this section. If one or more satisfactory bids are received pursuant to such notice, such bonds shall be awarded to the highest responsible bidder. If no bids are received or if the issuer determines that the bids received are not satisfactory as to price or responsibility of the bidders, the issuer may reject all bids received, if any, and either readvertise or sell such bonds at private sale.

SEC. 15.5. Section 54309.1 of the Government Code is amended to read:

54309.1. "Enterprise" includes, but is not limited to, all parts of the enterprise, all appurtenances to it, and:

(a) Lands, easements, rights in land, water rights, contract rights and franchises;

(b) Approaches, dams, reservoirs, trunk, connecting and other water mains, filtration works, pumping stations, water supply, storage and distribution facilities and equipment;

(c) Garbage trucks, equipment, dumps, garbage disposal plants and incinerators or other disposal facilities, including facilities to sort and prepare components of solid waste for sale;

(d) Sewage treatment plants, sewage disposal plants, intercepting and collecting sewers, outfall sewers, trunk, connecting and other sewer mains;

(e) The franchises or licenses to operate a ferry or ferry system,

all boats and vessels, all land and interest in land, all slips, wharves, piers, landing places, approaches and all facilities and equipment used in the maintenance and operation of a ferry or ferry system, or harbor including small boat harbors, marinas, aquatic playgrounds and similar recreational facilities;

(f) Ambulances, both inpatient and outpatient facilities, laboratories, pharmacies, surgical instruments and equipment of such nature as may be reasonably necessary for the treatment of patients; and

(g) All buildings, structures, improvements, equipment, ditches, canals, and facilities whatsoever appurtenant or relating to the enterprise.

SEC. 16. It is hereby declared it is the intent of the Legislature in enacting this act that all public bodies in the State of California be authorized to the fullest extent possible to issue refunding bonds whenever such issuance would result in a savings to the public body or the taxpayers thereof, and that to the extent permitted by the Constitution of the State of California, public bodies, including cities, counties and school districts, may issue refunding bonds in a principal amount in excess of the principal amount authorized at an election, so long as, in accordance with the provisions of this act, the total net interest cost to maturity on the refunding bonds plus the principal amount of the refunding bonds does not exceed the total net interest cost to maturity on the bonds to be refunded plus the principal amount of the bonds to be refunded.

SEC. 16.5. The Legislature finds and declares that the recycling of solid wastes is of singular statewide importance to the health and welfare of the people of California. It is therefor imperative that the local agencies of this state, in conjunction with private enterprise if necessary, be given the authority to acquire, develop, and operate solid waste recycling plants to prepare components of solid waste for sale through the use of revenue bonds as provided by Section 15.5 of this act.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many local agencies throughout the state have outstanding bonds for which payment of principal and interest during the fiscal year 1972-73 and thereafter will be required to be made. It will be necessary for these local agencies to budget for the collection of taxes and revenues in fiscal year 1972-1973 of amounts sufficient to pay such principal and interest. In many cases, it would be possible to refund some or all of such outstanding bonds so as to effect substantial savings in the amounts needed to pay such principal and interest. Such savings would permit the lowering of property tax rates and charges for revenue-producing facilities within such local agencies. However, unless this act is passed as an urgency statute it will not be possible for such local agencies to refund such bonds and

effect such savings prior to the time when budgets must be prepared and tax rates and charges fixed for fiscal year 1972-1973. For this reason, it is necessary that this act take effect immediately.

CHAPTER 532

An act to amend Sections 5076.1 and 6041 of the Penal Code, and Sections 1711.5 and 3150 of the Welfare and Institutions Code, relating to corrections.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5076.1 of the Penal Code is amended to read:
5076.1. The Adult Authority shall meet at each of the state prisons at such times as may be necessary for a full and complete study of the cases of all prisoners whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the Adult Authority. Each member of the Adult Authority shall receive his actual necessary traveling expenses incurred in the performance of his official duties. Where the Adult Authority performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, at least five members shall be present, and no such action shall be valid unless it is concurred in by a majority vote of those present.

The Adult Authority may meet and transact business in panels. Each Adult Authority panel shall consist of at least two members of the authority. Two members of the Adult Authority shall constitute a quorum for the transaction of business of a panel. No action shall be valid unless concurred in by a majority vote of the members present.

The Adult Authority may employ case-hearing representatives to whom it may assign appropriate duties, including that of hearing cases and making recommendations to the Adult Authority. Such recommendations shall be made in accordance with policies established by a majority of the total membership of the Adult Authority. Such policies may provide that the recommendations of a case-hearing representative or panel of case-hearing representatives shall be either final or subject to review by a panel of the members of the Adult Authority, except that no recommendation of a case-hearing representative or representatives for the granting or denial of a parole, cancellation or revocation of a parole, the determination or redetermination of a term of imprisonment, or the discharge from a commitment, shall become final until approved by a panel of members of the Adult Authority.

A recommendation by a case-hearing representative that a prisoner be granted or be denied parole shall be in writing.

SEC. 2. Section 6041 of the Penal Code is amended to read:

6041. Where the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, at least three members shall be present, and no such action shall be valid unless it is concurred in by a majority of those present.

The board may meet and transact business in panels. Each panel shall consist of at least two members of the board of trustees. Two members shall constitute a quorum for the transaction of business of a panel. No action shall be valid unless concurred in by a majority vote of those present.

SEC. 3. Section 1711.5 of the Welfare and Institutions Code is amended to read:

1711.5. The Youth Authority Board shall formulate general policies governing the performance of its functions by the full board, or, pursuant to delegation, by panels, or referees. Where the board performs its functions meeting en banc in either public or executive sessions to decide matters of general policy, at least five members shall be present and no such action shall be valid unless it is concurred in by a majority vote of those present.

Case hearing representatives may be employed to participate with the board in the hearing of cases and to whom authority may be delegated as provided below in this section.

The board may delegate its authority to hear, consider, and act upon cases to members or case hearing representatives, sitting either on a panel or as a referee. A panel may consist of two or more members, or a member and a case hearing representative, or two case hearing representatives. Two members of a panel shall constitute a quorum, and no action of the panel shall be valid unless concurred in by a majority vote of those present.

When delegating its authority, the board may, in its discretion, condition finality of the decision of the panel or referee to whom authority is delegated on concurrence of a member or members of the board. In determining whether, in any case, it shall delegate its authority and the extent of delegation, the board shall take into account the degree of complexity of the issues presented by the case.

The board shall adopt rules under which a person under the jurisdiction of the Youth Authority or other persons, as specified in the rules, may appeal any decision of a casehearing representative. The board shall consider and act upon the appeal in accordance with such rules.

SEC. 4. Section 3150 of the Welfare and Institutions Code is amended to read:

3150. (a) There is in the state government a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of four members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor.

Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, one on January 15, 1967, and one on January 15, 1968. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of nine thousand five hundred dollars (\$9,500) for attendance upon business of the authority. The chairman shall be entitled to an annual salary of ten thousand dollars (\$10,000). In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. Where the authority performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, at least three members shall be present, and no such action shall be valid unless it is concurred in by a majority vote of those present. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business of a panel. No action shall be valid unless concurred in by a majority of the members present.

(e) Members of other similar boards may be assigned to hear cases and make recommendations to the authority. Such recommendations shall be made in accordance with policies established by a majority of the total membership of the authority.

CHAPTER 533

An act to amend Section 205.7 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 205.7 of the Revenue and Taxation Code is amended to read:

205.7. There is exempt from taxation property, constituting the home, of every resident of this state who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less.

Where such a person sells or otherwise disposes of such property, constituting the home, and thereafter acquires, with or without assistance from the government of the United States, any other property which such person occupies habitually as a home, the exemption allowed pursuant to this section shall apply to such other property.

No person shall be eligible for such exemption unless he was a resident of California at the time of his entry upon military or naval service, or unless he has resided in this state for five years out of the nine years immediately preceding the date of his application for the exemption, or unless he was a resident of California on November 8, 1966.

This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse.

The exemption granted to any such person or any such person and his or her spouse shall not exceed ten thousand dollars (\$10,000) and shall not extend to more than one home.

An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

SEC. 2. Section 1 of this act shall become operative only if the amendment to Section 1¼b to Article XIII of the Constitution of the State of California proposed by Senate Constitutional Amendment No. 23 is adopted by the electorate; and in such case, on the lien date next following the date that Senate Constitutional Amendment No. 23 takes effect.

CHAPTER 534

An act to add Section 1463.5 to the Penal Code, relating to fines and forfeitures.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1463.5 is added to the Penal Code, to read: 1463.5. The distribution of funds required pursuant to Section 1463, and the distribution of assessments imposed and collected under Section 13521 of the Penal Code and Sections 42006 and 42050 of the Vehicle Code, may be determined and made upon the basis of probability sampling. Such sampling shall be procedural in nature and shall not substantively modify the distributions required pursuant to Sections 1463 and 13521 of the Penal Code and Sections 42006 and 42050 of the Vehicle Code. The procedure for such sampling shall be prescribed by the county auditor and such procedure and its implementation shall be approved by the board of supervisors and a majority of the cities within a county. The reasonableness of such distribution shall be verified during the annual audit performed pursuant to Section 71383 of the Government Code.

CHAPTER 535

An act to amend Sections 13407 and 13485 of the Education Code, relating to school employees.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13407 of the Education Code as amended by Chapter 361 of the Statutes of 1971, is amended to read: 13407. The governing board of any school district shall not act upon any charges of unprofessional conduct or incompetency unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct or incompetency, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his faults and overcome the grounds for such charge. The written notice shall include the evaluation made pursuant to Article 5.5 (commencing with Section

13485) of this chapter, if applicable to the employee. "Unprofessional conduct" and "incompetency" as used in this section means, and refers only to, the unprofessional conduct and incompetency particularly specified as a cause for dismissal in Section 13403 and does not include any other cause for dismissal specified in that section.

SEC. 2. Section 13485 of the Education Code is amended to read:

13485. It is the intent of the Legislature to establish a uniform system of evaluation and assessment of the performance of certificated personnel within each school district of the state. The system shall involve the development and adoption by each school district of objective evaluation and assessment guidelines.

This article does not apply to certificated personnel who are employed on an hourly basis in adult education classes.

SEC. 3. Section 1 of this act shall become operative on the 61st day after the final adjournment of the 1972 Regular Session of the Legislature.

SEC. 4. Section 2 of this act shall become operative at the same time as Section 40 of Chapter 361 of the Statutes of 1971 becomes operative.

CHAPTER 536

An act to add and repeal Section 3194.5 to the Health and Safety Code, relating to blood tests.

[Approved by Governor August 4, 1972 Filed with
Secretary of State August 4, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 3194.5 is added to the Health and Safety Code, to read:

3194.5. Notwithstanding any other provision of law, a person employed by a public health department as a venereal disease case investigator may perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes, upon specific authorization from a licensed physician and surgeon, even though he is not otherwise licensed to withdraw blood; provided that such person meets all of the following requirements:

(a) He works under the direction of a licensed physician and surgeon.

(b) He has been trained by a licensed physician and surgeon in the proper procedures to be employed when withdrawing blood, in accordance with training requirements established by the board, and has a statement signed by the instructing physician and surgeon that such training has been successfully completed.

This section shall remain in effect only until the 61st day after the

final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed.

CHAPTER 537

An act to amend Section 69950 of the Government Code, relating to fees.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69950 of the Government Code is amended to read:

69950. The fee for transcription for original ribbon copy is forty-five cents (\$0.45) for 100 words, and for each copy for the party buying the original made at the same time, ten cents (\$0.10) each for 100 words. The fee for a first copy to any other person shall be twenty cents (\$0.20) for each 100 words, and for each additional copy, made at the same time, ten cents (\$0.10) for each 100 words.

CHAPTER 538

An act to add Section 75110 to the Government Code, relating to retirement of judges.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 75110 is added to the Government Code, to read:

75110. The Legislature finds and declares that on and after January 1, 2002, the Judges Retirement System shall be fully funded and actuarially sound.

CHAPTER 539

An act to add Section 9358.5 to the Government Code, relating to retirement of legislators.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9358.5 is added to the Government Code, to read:

9358.5. The Legislature finds and declares that on and after January 1, 2002, the Legislators' Retirement System shall be fully funded and actuarially sound.

CHAPTER 540

An act to repeal Article 3.6 (commencing with Section 5050) of Chapter 1 of Division 5 of the Public Resources Code, relating to the state park system.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 3.6 (commencing with Section 5050) of Chapter 1 of Division 5 of the Public Resources Code is repealed.

SEC. 2. Notwithstanding the repeal by this act of provisions requiring the leasing of buildings in the area at the foot of Steep Ravine in Tamalpais State Park, such leases as are in existence prior to the effective date of this act shall remain in full force and effect until the expiration of their present terms, without renewal.

CHAPTER 541

An act to amend Sections 7002, 7052.5, 7054, 10375, and 10376 of, and to add Sections 7054.1, 7054.6 and 10376.5 to, the Health and Safety Code, relating to dead bodies.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7002 of the Health and Safety Code is amended to read:

7002. "Cremated remains" means human remains after incineration and necessary processing under Section 7054.1 in a crematory.

SEC. 2. Section 7052.5 of the Health and Safety Code is amended to read:

7052.5. Notwithstanding the provisions of Section 7052, cremated remains may be removed from the place of interment for disposition as provided in Section 7054.6 or for burial at sea as provided in Section 7117.

SEC. 3. Section 7054 of the Health and Safety Code is amended to read:

7054. Every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor. Cremated remains may be disposed of in other areas pursuant to Sections 7117 and 10376.5 or Sections 7054.6 and 10376.5.

SEC. 4. Section 7054.1 is added to the Health and Safety Code, to read:

7054.1. No cremated remains shall be removed from the place of cremation, nor shall there be any charge for the cremation, unless the cremated remains have been processed so that they are suitable for inurnment. A contract for cremation services may include specific written authorization for such processing by the person having the right to control the disposition of the remains under Section 7100.

SEC. 5. Section 7054.6 is added to the Health and Safety Code, to read:

7054.6. Cremated remains may be removed from the place of cremation or interment and disposed of by the person having the right to control disposition of the remains under Section 7100, provided the removal is under the authority of a permit for disposition granted under Section 10376.5.

SEC. 6. Section 10375 of the Health and Safety Code is amended to read:

10375. No person shall dispose of human remains unless (a) there has been obtained and filed with the local registrar, a death certificate, as provided in Chapter 5 (commencing with Section 10200) of this division, and (b) there has been obtained from the local registrar a permit for disposition.

SEC. 7. Section 10376 of the Health and Safety Code is amended to read:

10376. If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition, which in all cases, shall specify any one of the following:

(a) The name of the cemetery where the remains shall be interred.

(b) Burial at sea as provided in Section 7117.

(c) A description of the final place of disposition of cremated remains to be removed from the place of cremation or interment as provided in Section 7054.6 under such conditions as the state registrar may approve, including, but not limited to, conditions in keeping with public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

Notwithstanding any other provisions of this division relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the disposition of the body shall be issued by the local registrar, except under such conditions as may be prescribed by the state department and local health officers.

SEC. 8. Section 10376.5 is added to the Health and Safety Code, to read:

10376.5. A permit for disposition for the purpose of removing cremated remains from the place of cremation or interment shall include a description of the final place of disposition sufficient to identify such place and shall be issued by the local registrar to the person having the right to control the disposition of the remains under Section 7100 upon the application of such person.

A permit for disposition shall be issued under this section only upon the signed acknowledgement by the person making application that trespass and nuisance laws apply to such disposition and that the permit gives no right of unrestricted access to property not owned by such person for the purpose of such disposition.

The person to whom such permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the permit so endorsed to the local registrar of the district in which the disposition took place. After one year the local registrar may destroy any original or duplicate permit retained by him pursuant to this section.

CHAPTER 542

An act to amend Section 31725.5 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31725.5 of the Government Code is amended to read:

31725.5. If the board finds, on medical advice, that a member in county employment, although incapacitated for the performance of his duties, is capable of performing other duties in the service of the county, the member shall not be entitled to a disability retirement allowance if any competent authority in accordance with any applicable civil service or merit system procedures offers and he accepts a transfer, reassignment, or other change to a position with duties within his capacity to perform with his disability. If this new position returns to the member compensation less than that of the position from which he was disabled, the board, in lieu of a disability retirement allowance, shall pay him the difference in such compensation until the compensation of the new position equals or exceeds the compensation (including later changes) of the former position but such amount shall not exceed the amount to which he would otherwise be entitled as a disability retirement allowance. Such payments in lieu of disability retirement allowance shall be considered as a charge against county advance reserve for current service.

If a new position cannot be arranged at the time of eligibility for disability retirement allowance, such disability retirement allowance to which the member is entitled under this article shall be paid until such time as a new position is available and accepted.

If a disability retirement allowance is paid and the member later accepts such a new position, the period while on disability retirement shall not be considered as breaking the continuity of service and his rate of contributions shall be based on the same age as it was at the date of disability. The member's accumulated contributions shall be the same as at the date his disability retirement began less the amount charged to his accumulated normal contributions.

Nothing in this section shall be construed to require a member to accept reassignment or transfer in lieu of a disability retirement allowance.

The provisions of this section become effective in any county only when the board of supervisors adopts an ordinance providing for their implementation by the board of retirement which may include application to persons retired for disability before such effective date.

CHAPTER 543

An act to amend Sections 1326 and 1327 of the Penal Code, relating to process.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1326 of the Penal Code is amended to read: 1326. The process by which the attendance of a witness before a court or magistrate is required is a subpoena. It may be signed and issued by any of the following:

(1) A magistrate before whom a complaint is laid or his clerk, the district attorney or his investigator, or the public defender or his investigator, for witnesses in the state.

(2) The district attorney, his investigator, or, upon request of the grand jury, any judge of the superior court, for witnesses in the state, in support of an indictment or information, to appear before the court in which it is to be tried.

(3) The district attorney or his investigator, the public defender or his investigator, the clerk of the court in which a criminal action is to be tried, or, if there is no clerk, the judge of the court. The clerk or judge shall, at any time, upon application of the defendant, and without charge, issue as many blank subpoenas, subscribed by him, for witnesses in the state, as the defendant may require.

(4) The attorney of record for the defendant.

SEC. 2. Section 1327 of the Penal Code is amended to read:

1327. A subpoena authorized by Section 1326 shall be substantially in the following form:

The people of the State of California to A. B.:

You are commanded to appear before C. D., a judge of the Justice Court of _____ Judicial District, in _____ County (or as the case may be), at (naming the place), on (stating the day and hour), as a witness in a criminal action prosecuted by the people of the State of California against E. F.

Given under my hand this _____ day of _____, A.D. 19____. G. H., Judge of the Justice Court (or "J. K., District Attorney," or "J. K., District Attorney Investigator," or "D. E., Public Defender," or "D. E., Public Defender Investigator," or "F. G., Defense Counsel," or "By order of the court, L. M., Clerk," or as the case may be). If books, papers, or documents are required, a direction to the following effect must be contained in the subpoena: "And you are required, also, to bring with you the following" (describing intelligibly the books, papers, or documents required).

CHAPTER 544

An act to amend Section 869 of the Penal Code, relating to transcripts of preliminary hearings.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 869 of the Penal Code is amended to read: 869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession; except that if the witness is a peace officer, it shall state his name, and the address given in his testimony at the hearing.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within 10 days after the close of such examination, if the defendant be held to answer the charge, transcribe his shorthand notes, making an original and one copy and as many additional copies thereof as there are defendants (other than fictitious defendants), regardless of the number of charges or fictitious defendants included in the same examination, and certify and deliver the original and all copies to the county clerk of the county in which the defendant was examined. The reporter shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcript has been delivered to the county clerk within the time herein provided for. The compensation of the reporter for any services rendered by

him as such reporter in any court of this state shall be reduced one-half if the provisions of this section as to the time of filing said transcript have not been complied with by him.

Sixth—In every case in which a transcript is delivered as provided in this section, the county clerk shall file the original of said transcript with the papers in the case, and shall deliver a copy of said transcript to the district attorney immediately upon his receipt thereof and shall deliver a copy of said transcript to each defendant (other than a fictitious defendant) at least five days before trial or upon earlier demand by him without cost to him; provided, however, that if any defendant be held to answer to two or more charges upon the same examination and thereafter the district attorney shall file separate informations upon said several charges, the delivery to each such defendant of one copy of the transcript of said examination shall be a compliance with this section as to all of said informations.

Seventh—If said transcript is delivered by the reporter within the time hereinbefore provided for, the reporter shall be entitled to receive the compensation fixed and allowed by law to reporters in the superior courts of this state.

CHAPTER 545

An act to add Section 31580.1 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31580.1 is added to the Government Code, to read:

31580.1. The board may include each year in the contribution required of a district a reasonable amount, which may differ from district to district, to cover the costs of administering its retirement system as such costs affect the active and retired employees of that district. The board may also assess a district a reasonable amount to cover costs incurred because of the district's failure to submit reports and forward contributions on a timely basis.

CHAPTER 546

An act to amend Sections 917.1, 917.2, 917.5 and 917.9 of the Code of Civil Procedure, relating to appeals.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 917.1 of the Code of Civil Procedure is amended to read:

917.1. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order is for money or directs the payment of money, whether consisting of a special fund or not, and whether payable by the appellant or another party to the action, unless an undertaking is given on condition that if the judgment or order or any part of it is affirmed or the appeal is withdrawn or dismissed, the party ordered to pay shall pay the amount of the judgment or order, or the part of it as to which the judgment or order is affirmed, as entered after the receipt of the remittitur, together with any interest which may have accrued pending the appeal and entry of the remittitur, and costs which may be awarded against the appellant on appeal. Such undertaking shall be for double the amount of the judgment or order unless given by a corporate surety authorized to execute the same by Section 1056 in which event it shall be for one and one-half times the amount of the judgment or order. If the party ordered to pay does not make such payment within 30 days after the filing of the remittitur from the reviewing court and the trial court, on motion of the respondent judgment may be entered in his favor on the undertaking for such amount as is appropriate hereunder. However, the surety shall not be held liable for an amount in excess of the undertaking.

If the judgment or order appealed from be for an amount in excess of two thousand dollars (\$2,000) and the sureties do not state in their affidavits of justification accompanying the undertaking that they are each worth the amount specified in the undertaking, the stipulation may be that the judgment to be entered against the sureties shall be for such amounts only as in their affidavits they may state that they are severally worth, and judgment may be entered against the sureties by the court from which the appeal is taken, pursuant to the stipulations herein designated.

SEC. 2. Section 917.2 of the Code of Civil Procedure is amended to read:

917.2. The perfecting of an appeal shall not stay enforcement of the judgment or order of the trial court if the judgment or order appealed from directs the assignment or delivery of personal property, including documents, whether by the appellant or another party to the action, or the sale of personal property upon the

foreclosure of a mortgage, or other lien thereon, unless an undertaking in a sum and upon conditions fixed by the trial court, is given that the appellant or party ordered to assign or deliver the property will obey and satisfy the order of the reviewing court, and will not commit or suffer to be committed any damage to the property, and that if the judgment or order appealed from is affirmed, or the appeal is withdrawn or dismissed, the appellant shall pay the damage suffered to such property and the value of the use of such property for the period of the delay caused by the appeal. The appellant may cause the property to be placed in the custody of an officer designated by the court to abide the order of the reviewing court, and such fact shall be considered by the court in fixing the amount of the undertaking. If the judgment or order appealed from directs the sale of perishable property the trial court may order such property to be sold and the proceeds thereof to be deposited with the clerk of the trial court to abide the order of the reviewing court; such fact shall be considered by the court in fixing the amount of the undertaking.

SEC. 3. Section 917.5 of the Code of Civil Procedure is amended to read:

917.5. The perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court if the judgment or order appealed from appoints a receiver, unless an undertaking in a sum fixed by the trial court is given on condition that if the judgment or order is affirmed or the appeal is withdrawn, or dismissed, the appellant will pay all damages which the respondent may sustain by reason of such stay in the enforcement of the judgment. However, the surety shall not be held liable for an amount in excess of the undertaking.

SEC. 4. Section 917.9 of the Code of Civil Procedure is amended to read:

917.9. The perfecting of an appeal shall not stay enforcement of the judgment or order in cases not provided for in Sections 917.1 through 917.8 if the trial court, in its discretion, requires an undertaking and such undertaking is not given. The undertaking shall be in the sum fixed by the court; it shall be conditioned upon the performance of the judgment or order appealed from if the same is affirmed or the appeal is withdrawn or dismissed, and it shall provide that if the judgment or order appealed from or any part of it is affirmed, or the appeal is withdrawn or dismissed, the appellant will pay all damages which the respondent may sustain by reason of such stay in the enforcement of the judgment. However, the surety shall not be held liable for an amount in excess of the undertaking.

For the purpose of this section, "damages" means reasonable compensation for the loss of use of the money or property.

CHAPTER 547

An act to add Section 21251.135 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21251.135 is added to the Government Code, to read:

21251.135. Notwithstanding the provisions of Section 21251.13, whenever the fraction of final compensation is reduced pursuant to Section 21251.13 because service of a member has been included in the federal system, such reduction shall apply only as to service after the effective date of the member's coverage under the federal system if the modification to the federal-state agreement including his service occurred on or after July 1, 1971, and while he was a member. This section shall apply to any such member whose effective date of retirement is on or after July 1, 1971.

CHAPTER 548

An act to repeal Section 952 of, and to add Section 952 to, the Financial Code, relating to bank accounts.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 952 of the Financial Code is repealed.

SEC. 2. Section 952 is added to the Financial Code, to read:

952. Notice to any bank of an adverse claim (the person making such adverse claim being hereinafter called "adverse claimant") to a deposit standing on its books to the credit of or to personal property held for the account of any person shall be disregarded, and the bank, notwithstanding such notice, shall honor the checks, notes, or other instruments requiring payment of money by or for the account of the person to whose credit the account stands and on demand shall deliver any such property to, or on the order of, the person for whose account such property is held, without any liability on the part of the bank; subject, however, to the exceptions provided in subdivisions (a) and (b) of this section:

(a) If an adverse claimant delivers to the bank at the office at which the deposit is carried or at which the property is held his affidavit stating that of his own knowledge the person to whose credit the deposit stands or for whose account the property is held is a

fiduciary for the adverse claimant and that he has reason to believe such fiduciary is about to misappropriate the deposit or the property, and stating the facts on which such claim of fiduciary relationship and such belief are founded, the bank shall refuse payment of the deposit and shall refuse to deliver such property for a period of not more than three court days (including the day of delivery) from the date that the bank received the adverse claimant's affidavit, without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

(b) If at any time, either before, after, or in the absence of the filing of an affidavit by the adverse claimant, the adverse claimant procures and serves upon the bank at the office at which the deposit is carried or at which the property is held a restraining order, injunction, or other appropriate order against the bank from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose names such deposit stands or for whose account such property is held are parties, the bank shall comply with such order or injunction, without liability on its part.

(c) The provisions of this section shall be applicable even though the name of the person appearing on the bank's books to whose credit the deposit stands or for whose account the property is held is modified by a qualifying or descriptive term such as "agent", "trustee", or other word or phrase indicating that such person may not be the owner in his own right of the deposit or property.

CHAPTER 549

An act to amend Sections 32121 and 32129.5 of, to add Sections 32126.5 and 32129 to, and to repeal Section 32129 of, the Health and Safety Code, relating to hospital districts.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 32121 of the Health and Safety Code is amended to read:

32121. Each local hospital district shall have and exercise the following powers:

- (a) To have and use a corporate seal and alter it at pleasure.
- (b) To sue and be sued in all courts and places and in all actions and proceedings whatever.
- (c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.
- (d) To exercise the right of eminent domain for the purpose of

acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district.

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the district as the board may direct; and to call upon the district attorney of the county in which the greater part of the land in the district is situated for legal advice and assistance in all matters concerning the district, except that if that county has a county counsel, the directors may call upon the county counsel for such legal advice and assistance.

(g) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district.

(h) To prescribe the duties and powers of the hospital administrator, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which officers and employees shall hold their offices or positions at the pleasure of the boards.

(i) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school.

(j) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(k) To do any and all other acts and things necessary to carry out the provisions of this division.

(l) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

(m) To establish, maintain, and operate, or provide assistance in the operation of, free clinics, diagnostic and testing centers, health education programs and such other health care provider groups and organizations as are necessary for the maintenance of good physical and mental health in the communities served by the district.

SEC. 2. Section 32126.5 is added to the Health and Safety Code, to read:

32126.5. The board of directors may do any of the following when it determines such action is necessary for the provision of adequate health services within the district:

(a) Enter into contracts with health provider groups, community service groups and independent physicians and surgeons for the provision of health services.

(b) Provide assistance or make grants to nonprofit provider groups and clinics already functioning in the community.

(c) Finance experiments with new methods of providing

adequate health care.

SEC. 3. Section 32129 of the Health and Safety Code is repealed.

SEC. 4. Section 32129 is added to the Health and Safety Code, to read:

32129. Notwithstanding the provisions of Section 2008 of the Business and Professions Code, the board of directors may contract with physicians and surgeons, health care provider groups, and nonprofit corporations for the rendering of professional health services on such basis as does not result in any profit or gain to the district from the services so rendered and as allows the board to ensure that fees and charges, if any, are reasonable, fair, and consistent with the basic commitment of the district to provide adequate health care to all residents within its boundaries.

SEC. 5. Section 32129.5 of the Health and Safety Code is amended to read:

32129.5. Notwithstanding any other provision of law, the board of directors of a hospital district may contract with a physician and surgeon for the rendering of professional services in the hospital, for the purpose of assuring that a physician and surgeon will be on duty in an outpatient emergency department maintained by the hospital, on such basis as does not result in any profit or gain to the district from the professional services of such physician and surgeon.

CHAPTER 550

An act to amend Sections 537.5 and 539 of, and to add Sections 537, 537.1, 537.2, 537.3, 538, 538.1, 538.2, 538.3, 538.4, 538.5, 541, 542.1, 542.2, 542.3, 542.4, 542b, and 542c to, and to repeal Sections 537, 538, 541, and 542b of, the Code of Civil Procedure, and to add Sections 126.1, 15006.1, and 15501.1 to the Corporations Code, and to amend Section 7203 of the Government Code, relating to attachment in commercial actions.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 537 of the Code of Civil Procedure is repealed.

SEC. 2. Section 537 is added to the Code of Civil Procedure, to read:

537. The plaintiff, in an action specified in Section 537.1, at the time of issuing the summons, or at any time afterward, may have the property specified in Section 537.3 of a defendant specified in Section 537.2 attached in accordance with the procedure provided for in this chapter, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment,

as provided for in this chapter.

SEC. 3. Section 537.1 is added to the Code of Civil Procedure, to read:

537.1. An action referred to in Section 537 is an action or actions by the same plaintiff in which the total sum claimed, exclusive of interest, attorneys' fees and costs, is five hundred dollars (\$500) or more and which is one or more of the following:

(a) An action against a defendant described in subdivision (a), (b) or (c) of Section 537.2 for a liquidated sum of money based upon

(1) Money loaned; or

(2) A negotiable instrument; or

(3) The sale or lease of, or a license to use, real or personal property (including, without limiting the generality of the foregoing, goods sold and delivered on open account); or

(4) Services rendered,

if the claim is not secured by any mortgage, deed of trust or security interest on real or personal property or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless. The fact that interest, attorneys' fees, costs or any combination thereof are claimed by the plaintiff in addition to the principal amount of the debt shall not make the claim unliquidated within the meaning of this section.

(b) An action against a defendant described in subdivision (d) of Section 537.2 for the recovery of money.

SEC. 4. Section 537.2 is added to the Code of Civil Procedure, to read:

537.2. The defendants referred to in Section 537 are:

(a) All corporations organized under the General Corporation Law or under Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, or organized under a law of any foreign state or jurisdiction authorizing the formation of business corporations.

(b) All partnerships organized under the Uniform Partnership Act (Chapter 1 (commencing with Section 15001) of Title 2 of the Corporations Code) or the Uniform Limited Partnership Act (Chapter 2 (commencing with Section 15501) of Title 2 of the Corporations Code) or a law of any foreign state or jurisdiction authorizing the formation of general or limited partnerships.

(c) Individuals engaged in a trade or business.

(d) Any person not residing in this state (including any foreign corporation not qualified to do business in this state under the provisions of Chapter 3 (commencing with Section 6403) of Part 11 of Division 1 of Title 1 of the Corporations Code, and any foreign partnership which has not filed a designation pursuant to Section 15700 of the Corporations Code), or who cannot after due diligence be found within this state, or who conceals himself to avoid service of summons.

SEC. 5. Section 537.3 is added to the Code of Civil Procedure, to read:

537.3. The property referred to in Section 537 is the following property not exempt from execution (without regard to whether a claim of exemption shall be filed):

(a) With respect to corporations and partnerships referred to in subdivisions (a) and (b) of Section 537.2, all corporate property and all partnership property.

(b) With respect to individuals referred to in subdivision (c) of Section 537.2 all of the following:

(1) Inventory.

(2) Accounts, contract rights, chattel paper, and general intangibles consisting of any right to payment of money (exclusive of those referred to in paragraph (3) of this subdivision), except any such individual claim with a principal balance of less than one hundred fifty dollars (\$150).

(3) Bank accounts and other deposit accounts, except the first one thousand dollars (\$1,000) balance in any single bank or branch bank (but, if the defendant has accounts in more than one bank or branch bank, the court, upon application of the plaintiff at the hearing provided for in Section 538.4, may direct that the writ be levied on balances of less than one thousand dollars (\$1,000) in a given bank or branch bank if an aggregate of one thousand dollars (\$1,000) in all such accounts remains free of the levy).

(4) Securities.

(5) Equipment.

(6) Real estate, including any leasehold estate with an unexpired term of one year or more.

The court, however, upon application of the defendant at the hearing provided for in Section 538.4 or at any time thereafter upon five days' notice to the plaintiff, shall exclude from the effect of the levy or release from the levy, as the case may be, any of the foregoing property which the court finds is necessary for the support of the defendant and his family after taking into consideration all of his other income and assets not subject to levy or not levied upon.

The terms used in this subdivision which are defined in the Commercial Code shall have the meanings therein specified.

(c) With respect to a defendant referred to in subdivision (d) of Section 537.2, all property of the defendant.

SEC. 6. Section 537.5 of the Code of Civil Procedure is amended to read:

537.5. In cases of attachment the clerk of the court with whom the complaint is filed, if requested by plaintiff in writing at the time of filing the complaint, shall not make public the fact of the filing of the complaint, or of the issuance of the attachment, until after the filing of the return of service of the notice and temporary restraining order or of the writ of attachment if issued without notice, except that if the return of service of the notice and temporary restraining order or of the writ of attachment is not made within 30 days after the filing of the complaint in the action, the clerk of the court with whom the complaint is filed shall make available to the public the

records and documents in such action. However, the clerk of such court shall make the entire file in the action available for inspection at any time to any party named in the complaint, or to his attorney.

The request by plaintiff that the fact of filing of a complaint or issuance of an attachment not be made public may take the form of a notation to that effect, made by rubber stamp or other suitable means, at the top of the first page of the complaint filed with the clerk.

SEC. 7. Section 538 of the Code of Civil Procedure is repealed.

SEC. 8. Section 538 is added to the Code of Civil Procedure, to read:

538. A plaintiff desiring the issuance of a writ of attachment shall file with the court an application supported by an affidavit or affidavits based upon the personal knowledge of the persons subscribing thereto and showing all the following:

(a) That the action is one in which the issuance of a writ of attachment is proper under the provisions of Sections 537 to 537.3, inclusive.

(b) That the indebtedness claimed in the complaint is justly due and presently owing to the plaintiff by the defendant, over and above all legal setoffs or cross-complaints, or, if the action is one against a defendant described only in subdivision (d) of Section 537.2, the amount claimed by the plaintiff against the defendant and that the plaintiff believes that he has a valid cause of action for an amount of money equal to that sum.

(c) That the attachment is not sought and the action is not prosecuted to hinder, delay or defraud any other creditor of the defendant.

(d) That the plaintiff has no information or belief that the defendant has filed any proceeding under the National Bankruptcy Act or has made a general assignment for the benefit of creditors, or, if any such proceeding has been terminated, that the claim of the plaintiff was not discharged in such proceeding.

SEC. 9. Section 538.1 is added to the Code of Civil Procedure, to read:

538.1. The court or a commissioner thereof, if satisfied that the affidavits submitted by the plaintiff pursuant to Section 538 have established a prima facie case and that the action is one in which an attachment is properly issuable under the provisions of this chapter, shall issue without any prior notice to the defendant a notice of hearing and temporary restraining order conforming to the provisions of Sections 538.2 and 538.3 for service upon the defendant.

Neither notice of the restraining order issued pursuant to this section nor service of a copy thereof upon any bank shall require any bank to observe the terms of the restraining order.

SEC. 10. Section 538.2 is added to the Code of Civil Procedure, to read:

538.2. The notice of hearing issued pursuant to Section 538.1 shall provide for a hearing on the question whether a writ of attachment

shall issue to be held seven business days (exclusive of Saturdays, Sundays and legal holidays) after the service of the notice upon the defendant or upon the first regular date law and motion matters are heard thereafter, whichever occurs later. The notice and temporary restraining order shall be served and return of service shall be made as provided in this code for the service of a summons and complaint. The notice shall be accompanied by a copy of the complaint and a copy of the affidavit or affidavits filed by the plaintiff under Section 538.

SEC. 11. Section 538.3 is added to the Code of Civil Procedure, to read:

538.3. The temporary restraining order issued pursuant to Section 538.1 shall prohibit prior to the hearing any transfer by the defendant of any of his property in this state subject to the levy of a writ of attachment, otherwise than in the ordinary course of business, and the issuance by the defendant of any checks in excess of an aggregate of one thousand dollars (\$1,000) against any of his bank accounts in this state to withdraw any sums subject to such levy, which would reduce the aggregate amount remaining on deposit to less than the amount of the plaintiff's claim, and the opening of any new bank accounts by the defendant. Without limiting the generality of the phrase "not in the ordinary course of business", the payment by the defendant of an antecedent debt shall not be considered in the ordinary course of business within the meaning of this section. Notwithstanding the foregoing, checks may be issued by the defendant for any of the following purposes:

(a) To cover any payrolls (including all fringe benefits and withholding taxes) falling due in the regular course after the service of the temporary restraining order and prior to the levy of a writ of attachment, but not exceeding the amount of three hundred dollars (\$300) per week for any individual employee.

(b) In payment for goods thereafter delivered to the defendant C.O.D. for use in his trade or business.

(c) In payment of taxes if penalties will accrue for any delay in payment.

(d) In payment of legal fees for the representation of the defendant in the action.

The temporary restraining order shall expire by its terms unless a writ of attachment is issued and levied within 30 days after the service of the order or if the defendant gives an undertaking as provided in Section 555 in the amount of plaintiff's claim as security for the payment of any judgment recovered by the plaintiff. The restraining order shall be vacated by the court upon ex parte application by the defendant if the court is satisfied that there is no danger that sufficient property of the defendant to secure the plaintiff's claim will not be available and subject to the levy of a writ of attachment, if one is directed to be issued at the hearing provided for in Section 538.4.

SEC. 12. Section 538.4 is added to the Code of Civil Procedure, to read:

538.4. The hearing shall be held before the court or a commissioner thereof on the day specified and shall take precedence over all other matters not of a similar nature pending on that day. If the defendant does not appear at the hearing, in person or by counsel, the court, without taking further evidence, shall direct the clerk to immediately issue a writ of attachment. Each party shall serve upon the other at least 24 hours before the hearing any affidavits intended to be introduced at the hearing, unless the court at the hearing for good cause shown permits the introduction of affidavits not previously served. Either party may also introduce oral evidence at the hearing and the defendant shall make available for oral examination at the hearing himself or an officer or agent of the defendant with knowledge of the transaction on which the complaint is based, unless the court for good cause shown excuses compliance with this requirement. Upon the basis of the evidence introduced at the hearing, the court shall determine whether the case is one in which an attachment is properly issuable and whether there is any reasonable probability that the defendant can establish a successful defense to the claim asserted by the plaintiff. If the court finds on the basis of a preponderance of the evidence that grounds for the issuance of an attachment exist and that the plaintiff has established the probable validity of his claim and the absence of any reasonable probability that a successful defense can be asserted by the defendant, the court shall direct the clerk to immediately issue a writ of attachment; otherwise, the court shall dissolve the temporary restraining order. The court may direct the order in which the writ shall be levied upon different assets of the defendant, if in the aggregate they exceed in value an amount clearly adequate to secure any judgment which may be recovered by the plaintiff.

SEC. 13. Section 538.5 is added to the Code of Civil Procedure, to read:

538.5. Notwithstanding the provisions of Sections 538 to 538.4, inclusive, the court shall, upon application by the plaintiff, direct the immediate issuance of a writ of attachment without any notice of hearing (or, under subdivision (c) below, without any hearing) if any one or more of the following conditions exist:

(a) A bulk sales notice has been recorded and published with respect to property of the defendant pursuant to the provisions of Division 6 (commencing with Section 6101) of the Commercial Code, such writ to be issued upon the filing of the application provided for in Section 538 but to be limited to the goods covered by the bulk sales notice; or an escrow has been opened pursuant to the provisions of Section 24074 of the Business and Professions Code with respect to the sale by the defendant of a liquor license, such writ to be issued upon the filing of the application provided for in Section 538 but to be limited to the attaching creditor's pro rata share of the proceeds of the sale in escrow.

(b) The plaintiff establishes to the satisfaction of the court that

there is a substantial danger that the defendant will transfer, other than in the ordinary course of business, remove or conceal the property sought to be attached, such writ to be issued upon the filing of the application provided for in Section 538.

(c) The notice and order issued pursuant to Section 538.1 cannot be served with the use of reasonable diligence upon the defendant within 10 days after its issuance and the court is satisfied that the defendant has departed from this state or conceals himself to avoid service of the notice, such writ to be issued after the expiration of such 10-day period.

(d) The defendant is one described in subdivision (d) of Section 537.2, such writ shall be issued upon the filing of the application provided for in Section 538. A writ of attachment (1) which is issued under this subdivision and levied upon property of a defendant described in subdivision (d) of Section 537.2 but who is not described in subdivision (a), (b) or (c) of Section 537.2, or (2) which is issued under this subdivision based upon a claim which is not described in subdivision (a) of Section 537.1, shall be released and discharged by the court upon motion of the defendant if the defendant files a general appearance in the action. If a writ of attachment is issued under this subdivision and levied upon property of a defendant who is described in subdivision (a), (b) or (c) of Section 537.2 based upon a claim described in subdivision (a) of Section 537.1, the defendant may at any time after such levy, upon seven business days' notice to the plaintiff, request a hearing pursuant to Section 538.4. At such hearing, unless the court makes the findings required by that section for the issuance of a writ of attachment, it shall release and discharge the writ.

SEC. 14. Section 539 of the Code of Civil Procedure is amended to read:

539. (a) Before issuing the notice and order pursuant to Section 538.1 or the writ pursuant to Section 538.5, the plaintiff must file with the clerk or judge a written undertaking with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the restraining order or the attachment, not exceeding the sum specified in the undertaking, and that if the restraining order or the attachment is discharged on the ground that the plaintiff was not entitled thereto under Sections 537 to 537.2, inclusive the plaintiff will pay all damages which the defendant may have sustained by reason of the restraining order or the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be one-half ($\frac{1}{2}$) of the principal amount of the total indebtedness or damages claimed, excluding attorneys' fees. Nothing herein shall be construed to preclude the acceptance of an undertaking in which a larger sum is specified, if such undertaking be offered. The court on ex parte application of the plaintiff, may by written order, direct the issuance of the restraining order or the writ on the filing of an

undertaking in a lesser sum, if the court is satisfied that the defendant will be adequately protected thereby. The damages recoverable by the defendant pursuant to this section shall include all damages proximately caused by the service of the restraining order or the levy of the writ of attachment.

At any time after the issuing of the restraining order or the attachment, but not later than five days after actual notice of the levy of the writ of attachment, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objection to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge or clerk of the court in which the action is pending, in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

The court, at any time after issuance of the restraining order or the writ, on motion of the defendant, after notice to the plaintiff, or at the hearing pursuant to Section 538.4, may order the amount of the undertaking increased.

(b) The liability of any surety furnishing a bond pursuant to this section, if any, may be enforced on motion in the trial court without the necessity of an independent action. Notice of the motion shall be served on the persons whose liability is sought to be enforced at least 30 days prior to the time set for hearing of the motion. The notice shall state the amount of the claim and shall be supported by an affidavit or affidavits setting forth the facts on which the claim is based. Such notice and affidavit may be served in accordance with any procedure authorized by Chapter 5 (commencing with Section 1010), Title 14, Part 2. Judgment may be entered in accordance with the notice against the person or persons served therewith, unless such person or persons shall serve and file an affidavit or affidavits in opposition to the motion showing such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. If such showing is made, the issues to be tried shall be specified by the court and trial thereof shall be set for the earliest date convenient to the court, allowing sufficient time for discovery. The surety shall not obtain a stay of the proceedings pending the determination of any third-party claims. Affidavits filed pursuant to this section shall conform to the requirements prescribed for affidavits filed pursuant to Section 437c.

SEC. 15. Section 541 of the Code of Civil Procedure is repealed.

SEC. 16. Section 541 is added to the Code of Civil Procedure, to read:

541. Securities, as defined in the Commercial Code, shall be levied upon as provided by Division 8 (commencing with Section 8101) of the Commercial Code.

SEC. 17. Section 542.1 is added to the Code of Civil Procedure, to read:

542.1. Notwithstanding the provisions of Section 542, a writ of attachment shall be levied upon any equipment (as defined in the Commercial Code), other than a motor vehicle or boat required to be registered, belonging to the defendant by the filing of a notice with the Secretary of State, which shall be signed by the sheriff, constable or marshal and shall contain the name of the plaintiff as lienor, the name of the defendant as debtor and shall indicate that the plaintiff has acquired an attachment lien in the equipment of the defendant. The form of such notice shall be prescribed by the Secretary of State and shall be filed and indexed by him in accordance with the provisions applicable to financing statements in Division 9 (commencing with Section 9101) of the Commercial Code.

SEC. 17.1. Section 542.2 is added to the Code of Civil Procedure, to read:

542.2. (a) The fee for filing and indexing each notice of attachment lien or notice affecting a notice of attachment lien in the office of the Secretary of State is three dollars (\$3).

(b) When a notice of attachment lien has been filed and the plaintiff, for whatever reason, no longer has an attachment lien in the equipment of the defendant, the sheriff, marshal or constable shall sign a notice to that effect for filing with the Secretary of State.

(c) A filed notice of attachment lien is effective for a period of five years from the date of filing. The effectiveness of the filed notice of attachment lien lapses on the expiration of such five-year period unless sooner terminated pursuant to subdivision (b) or unless a notice of continuation is filed pursuant to Section 542.4 prior to such lapse.

SEC. 17.2. Section 542.3 is added to the Code of Civil Procedure, to read:

542.3. Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of attachment lien, naming a particular person, and if a notice is on file, giving the date and hour of filing of each notice and the name of the plaintiff-lienor. The fee for the certificate issued by the Secretary of State is two dollars (\$2). A combined certificate may be issued pursuant to Section 7203 of the Government Code. Upon request, the Secretary of State shall furnish a copy of any notice of attachment lien or notice affecting a notice of attachment lien for a fee of one dollar (\$1) per page.

SEC. 17.3. Section 542.4 is added to the Code of Civil Procedure, to read:

542.4. When more than four years and six months has elapsed after the filing of the notice of attachment lien and there is no final judgment in the action, the plaintiff may, upon notice to the defendant, apply to the court for an order directing the sheriff, marshal or constable to sign a notice of continuation of notice of attachment lien for filing with the Secretary of State if the lien is still in effect under Section 542c.

The court shall issue the order if it finds that the lien has been extended or the court concurrently extends the lien under Section 542c for a period beyond the expiration of the five years specified in Section 542.2. Upon issuance of the order, the sheriff, marshal or constable shall sign a notice of continuation of notice of attachment lien for filing with the Secretary of State prior to the lapse of the notice of attachment lien. Upon timely filing of the notice of continuation, the effectiveness of the original notice of attachment lien is continued for five years from the time when it would otherwise have lapsed, whereupon it shall lapse thereafter in the same manner as provided in subdivision (c) of Section 542.2.

SEC. 18. Section 542b of the Code of Civil Procedure is repealed.

SEC. 19. Section 542b is added to the Code of Civil Procedure, to read:

542b. The service upon the defendant of a notice and order pursuant to Section 538.2 creates a lien upon all of his personal property subject to the levy of a writ of attachment pursuant to this chapter and owned by him at the time of such service or the proceeds thereof. Such lien, however, shall not be valid as against a bona fide purchaser or encumbrancer for present value or a transferee in the ordinary course of business. Such lien shall terminate 30 days after the service of the notice and order upon the defendant; except with respect to property upon which a writ of attachment has been levied during that period and upon the filing by the defendant of a proceeding under the National Bankruptcy Act or the making by the defendant of a general assignment for the benefit of creditors, such lien shall terminate with respect to all property upon which a writ of attachment has not been levied prior to such event. The levy of a writ of attachment shall perfect the lien created by the service of the notice and order against a bona fide purchaser and a transferee in the ordinary course of business and the levy of a writ of attachment in those cases where it is not preceded by the service of a notice and order shall create a lien upon the property levied upon which is valid against all third persons.

SEC. 20. Section 542c is added to the Code of Civil Procedure, to read:

542c. An attachment of personal property shall, unless sooner released or discharged, cease to be of any force or effect and the property levied on shall be released from the operation of the attachment at the expiration of one year from the date of the levy of the writ unless a notice of readiness for trial is filed or a judgment is entered against the defendant in the action in which the attachment was issued within that period, in which case the attachment shall continue in effect until released or vacated after judgment as provided in this chapter. However, upon motion of the plaintiff, made not less than 10 nor more than 60 days before the expiration of such period of one year, and upon notice of not less than five days to the defendant, the court in which the action is pending may, by order filed prior to the expiration of the period, extend the

duration of the attachment for an additional period or periods as the court may direct, if the court is satisfied that the failure to file the notice of readiness is due to the dilatoriness of the defendant and was not caused by any action of the plaintiff. The attachment may be extended from time to time in the manner herein prescribed.

SEC. 21. Section 126.1 is added to the Corporations Code, to read:

126.1. Any corporation heretofore or hereafter formed under this division shall, as a condition of its existence as a corporation, be subject to the provisions of the Code of Civil Procedure authorizing the attachment of corporate property.

SEC. 22. Section 15006.1 is added to the Corporations Code, to read:

15006.1. Any partnership heretofore or hereafter formed under this chapter shall, as a condition of its existence as a partnership, be subject to the provisions of the Code of Civil Procedure authorizing the attachment of partnership property.

SEC. 23. Section 15501.1 is added to the Corporations Code, to read:

15501.1. Any limited partnership heretofore or hereafter formed under this chapter shall, as a condition of its existence as a partnership, be subject to the provisions of the Code of Civil Procedure authorizing the attachment of partnership property.

SEC. 24. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 25. This act shall not apply to any writ of attachment issued prior to its effective date, which shall continue to be governed in all respects by prior law, and shall not affect the validity of any levy of such a writ of attachment heretofore or hereafter made in accordance with prior law.

SEC. 26. Section 7203 of the Government Code is amended to read:

7203. Upon request of any person, the Secretary of State shall issue a combined certificate showing the information as to financing statements as specified in Section 9407 of the Commercial Code, the information as to federal tax liens as specified in subdivision (d) of Section 7202 of this code, the information as to state tax liens as specified in Section 7226 and the information as to attachment liens specified in Section 542.3 of the Code of Civil Procedure. The fee for such a combined certificate is five dollars (\$5).

When a certificate is requested from the Secretary of State as to a name which appears to be other than the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section unless the request is specifically limited to a request for a certificate as to federal tax liens, state tax liens, or attachment liens.

When a certificate is requested from the Secretary of State as to

a name which appears to be the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section but omitting information as to federal tax liens, unless the request is specifically limited to a request for a certificate as to federal tax liens, state tax liens or attachment liens.

SEC. 27. This act shall be operative until December 31, 1975, and after that date shall have no force or effect.

CHAPTER 551

An act to place specified amendments to the Constitution on the ballot for the general election to be held on Tuesday, November 7, 1972, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There shall be submitted to the people at the election to be held on the seventh day of November, 1972, each constitutional amendment proposed at the 1972 Regular Session, adopted by the Legislature on or before July 28, 1972, and not placed on the 1972 direct primary ballot. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measures submitted pursuant to this act.

SEC. 2. Within five days after either the effective date of this act or the adoption by the Legislature of a constitutional amendment at the 1972 Regular Session on or before July 28, 1972, whichever occurs later, the author of such amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for adoption of the measure. If such constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State not later than August 7, 1972.

Rebuttal arguments for these measures shall be prepared pursuant to Section 3565.5 of the Elections Code, except that they shall be filed with the Secretary of State not later than August 12, 1972.

SEC. 3. Upon either the effective date of this act or the adoption by the Legislature of a constitutional amendment at the 1972 Regular Session on or before July 28, 1972, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and the analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of such constitutional amendment, whichever occurs later. The measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the specified constitutional amendments on the ballot at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 552

An act to amend Sections 53856, and 53858 of, and to add Article 7.7 (commencing with Section 53859) to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, relating to borrowing and indebtedness and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 53856 of the Government Code is amended to read:

53856. Any taxes, income, revenue, cash receipts, or other moneys of the local agency, including moneys deposited in inactive or term deposits, may be pledged to the payment of the note or notes and the interest thereon, except, however, that no moneys which, when received by the local agency, will be encumbered for a special purpose may be pledged for the payment of the note or notes or the interest thereon unless an equivalent amount of the proceeds from said note or notes is set aside for and used for said special purpose. The note or notes and the interest thereon are a first lien upon and charge against the taxes, income, revenue, cash receipts, or other moneys pledged for the payment thereof.

SEC. 2. Section 53858 of the Government Code is amended to read:

53858. Notes shall not be issued pursuant to this article in any fiscal year in an amount which, when added to the interest payable thereon, shall exceed 85 percent of the estimated amount of the then uncollected taxes, income, revenue, cash receipts, and other moneys of the local agency which will be available for the payment of said notes and the interest thereon; provided, however, that to the extent that any principal of or interest on such notes is secured by a pledge of the amount in any inactive or term deposit of the local agency, the term of which will terminate during said fiscal year, such principal and interest may be disregarded in computing said limit.

SEC. 3. Article 7.7 (commencing with Section 53859) is added to Chapter 4, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 7.7. Grant Anticipation Notes

53859. As used in this article: (a) "local agency" means county, city and county, city, school district community college district, or any other municipal or public corporation or district.

(b) "Grant anticipation note" means a note issued upon the security of specified accounts receivable from state or federal governments for which funds have been committed and appropriated.

53859.01. The powers conferred by this article are in addition to and alternative to any powers conferred by any other law for borrowing by a local agency and any amount borrowed hereunder shall not be considered in any limitation on the amount which may be borrowed by any such local agency under any other law.

53859.02. A local agency may borrow money pursuant to this article, such indebtedness to be represented by a grant anticipation note or notes issued to the lender pursuant to this article. The money borrowed may be used and expended by the local agency solely for the purpose for which the grant is to be received.

53859.03. The grant anticipation note or notes shall be issued pursuant to a resolution authorizing the issuance thereof, adopted by the legislative body of the local agency, except that the note or notes of a school or community college district shall be issued in the name of the school or community college district by the board of supervisors of the county whose county superintendent of which has jurisdiction over the school or community college district, as soon as possible following receipt of a resolution of the governing board of the school or community college district requesting the borrowing. Grant anticipation notes authorized to be issued may be issued from time to time as provided in such resolution. The resolution shall set forth the form and the manner of execution of the grant anticipation note or notes.

53859.04. Any grant anticipation note issued under this article may be negotiable or may be payable to order or to bearer and may be in any denomination. Except as limited by the Constitution of the

State of California, such note shall be payable not later than 36 months after the date of issue and shall be payable solely, except as provided in Section 53859.07, from committed and appropriated funds of grants of the state or federal government that the granting authority states shall be paid on specified dates within a 36-month period from the dating of the grant anticipation notes issued. Such note may bear interest not to exceed 7 percent per annum, payable as provided on its face. Such interest may be represented by coupons attached to such note or notes.

In those instances where the Constitution of the State of California limits a local agency from incurring an indebtedness or liability in any year which is in excess of income and revenue for that year, a note or notes issued pursuant to this article may be made payable during the fiscal year next succeeding the fiscal year in which they have been issued, but in no event later than 15 months after the date of issue; provided that such note or notes shall be payable only from income and revenue received or accrued during the fiscal year in which the note or notes were issued.

53859.05. The resolution authorizing the issuance of any note may provide that such note shall be subject to call and redemption prior to maturity, at the option of the local agency, at such price or prices as may be fixed in the resolution, not exceeding a premium of 3 percent of the par value of the note so subject to redemption. The resolution shall fix the method of giving notice of redemption to the holder of the note to be redeemed and the price or prices at which the note shall be subject to redemption. A note so subject to call and redemption prior to maturity shall contain a recital to that effect on its face, and no note shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

53859.06. Grant funds from the state or federal government for any legally authorized capital improvement for which the local agency is authorized to expend moneys, when stated by the granting authority to be committed, appropriated and payable on a specified date or dates, shall be pledged for the payment of the grant anticipation note or notes and the interest thereon. The note or notes and the interest thereon are a first lien upon and charge against the grant funds.

53859.07. Notwithstanding the provisions in Section 53854 and 53856, any note issued pursuant to this article to the extent not paid from grant funds of the local agency pledged for the payment thereof, shall be paid with the interest thereon to the extent permitted by law from any taxes, income, revenue, cash receipts, or other moneys of local agency lawfully available therefor.

53859.08. A grant anticipation note or notes shall not be issued pursuant to this article in an amount at any time outstanding which, when added to the interest payable thereon shall exceed 80 percent of the grant funds stated in writing by the granting authority as committed, appropriated and that shall be paid on a specified date or dates within a 36-month period from the dating of such notes.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for local agencies to proceed with much needed projects affecting the environment and to provide a means of funding the federal or state portions of the costs pending the payment or repayment thereof, it is essential that this act take effect immediately.

CHAPTER 553

*An act to add Section 386.1 to the Code of Civil Procedure,
relating to interpleader funds.*

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 386.1 is added to the Code of Civil Procedure, to read:

386.1. Where a deposit has been made pursuant to Section 386, the court may order such deposit to be invested in an insured interest bearing account. Interest on such amount shall be allocated to the parties in the same proportion as the original funds are allocated.

CHAPTER 554

*An act to amend Section 206b of the Code of Civil Procedure,
relating to jury trials.*

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 206b of the Code of Civil Procedure is amended to read:

206b. In counties of the 16th class, trial jury venires for the superior court shall be drawn from residents of the supervisorial district within which the court will sit for such trial and from residents of such other immediately adjacent supervisorial district, or portion thereof, as may be specified by local superior court rules. Such venireman shall serve the court sitting in the geographical portion of the county from which this section and such court rules specify trial jury venires shall be drawn; provided that such rules

shall afford to each eligible resident of such county an opportunity for selection as a trial jury venireman. Such court may, in its discretion, order a countywide venire in the interest of justice.

CHAPTER 555

An act to amend Sections 630, 645 and 646 of the Probate Code, relating to probate.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the total value of the decedent's property in this state, excluding any motor vehicle of which the decedent is the owner or legal owner, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding three thousand (\$3,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed five thousand dollars (\$5,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the conservator of the property of any person bearing such relationship to the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

SEC. 2. Section 645 of the Probate Code is amended to read:

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances at the date of the death of the decedent and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of five thousand dollars (\$5,000), as of the

date of such death, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse, provided said surviving spouse shall not have theretofore remarried, or, if there be no surviving spouse, then to such child or children of the decedent as may then be minors, if any, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such surviving spouse, the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered.

SEC. 3. Section 646 of the Probate Code is amended to read:

646. If the court finds that the net value of the estate exceeds five thousand dollars (\$5,000), or that there is neither a surviving spouse nor a minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

CHAPTER 556

An act to repeal Section 5177 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5177 of the Welfare and Institutions Code is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 5177 of the Welfare and Institutions Code which became operative on March 4, 1972, imposes new mandatory reporting requirements concerning persons placed in detoxification facilities by peace officers. This places a burden on small communities who do not presently have facilities for making such reports. In order to relieve such communities of the additional expense of new facilities, it is necessary that this bill, which repeals the reporting requirement, take immediate effect.

CHAPTER 557

An act to add Section 7633 to the Business and Professions Code, and to amend Sections 10382 and 10610 of, and to add Sections 10603, 10608, 10610.1, and 10610.2 to, the Health and Safety Code, relating to vital statistics.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7633 is added to the Business and Professions Code, to read:

7633. No funeral director shall charge a fee for filing a certificate of death or for providing copies thereof in excess of fees set by statute for filing and providing certified copies of such certificates.

SEC. 2. Section 10382 of the Health and Safety Code is amended to read:

10382. A permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment.

SEC. 3. Section 10603 is added to the Health and Safety Code, to read:

10603. Notwithstanding any other provision of law, no fees other than those provided for in this division shall be charged for the registration of births and deaths or for the issuance of any permits for disposition of human remains.

SEC. 4. Section 10608 is added to the Health and Safety Code, to read:

10608. No fee shall be charged by the State Registrar or local registrar of births and deaths for services rendered to any public entity, except for issuance of a permit for disposition of human remains or for making a copy of a record.

As used in this section, "public entity" includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

SEC. 5. Section 10610 of the Health and Safety Code is amended to read:

10610. The fee for issuance of a permit for disposition of human remains is two dollars (\$2) payable to the local registrar of births and deaths by the applicant for the permit, when such permit is issued during regularly scheduled office hours of the local registrar of births and deaths.

SEC. 6. Section 10610.1 is added to the Health and Safety Code, to read:

10610.1. An additional fee of three dollars (\$3) shall be paid for the issuance of a permit for disposition, when such permit is required to be issued outside the regularly scheduled office hours of the local registrar of births and deaths.

SEC. 7. Section 10610.2 is added to the Health and Safety Code, to read:

10610.2. Notwithstanding any other provision of law, the local registrar of births and deaths shall pay to the State Registrar by the 10th of the month following the end of each calendar quarter one-half of the fees collected under authority of Section 10610 of this division.

SEC. 8. This act shall become operative January 1, 1973, or the first day of the first month after the effective date, whichever is later.

CHAPTER 558

An act to add Article 2.3 (commencing with Section 6728) to Chapter 7, Division 3 of the Business and Professions Code, relating to professional engineering.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.3 (commencing with Section 6728) is added to Chapter 7, Division 3 of the Business and Professions Code, to read:

Article 2.3. Professional Engineers Review Committees

6728. The board, when it deems necessary, may establish professional engineers review committees to hear all matters assigned by the board, including, but not limited to, any contested case which is assigned by the board. Each committee shall exist so long as the board deems that it is necessary.

6728.1. Each review committee shall consist of no fewer than three registered professional engineers appointed by the board. Each member of a committee shall have the same qualifications and shall be subject to the same rules and regulations as if he were a member of the board.

6728.2. Each member of a committee shall receive a per diem and expenses as provided in Section 103 of this code.

6728.3. Except as otherwise provided in this article, all hearings which are conducted by a committee shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

If a contested case is heard by a committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

6728.4. At the conclusion of any hearing which is conducted by a committee, the committee shall prepare a proposed decision, in

such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as the proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

6728.5. The board may adopt, amend or repeal, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are necessary to implement these sections.

CHAPTER 559

An act to amend Section 5120 of the Welfare and Institutions Code, relating to facilities for the mentally and physically handicapped, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5120 of the Welfare and Institutions Code is amended to read:

5120. It is the policy of this state as declared and established in this act and in the Lanterman-Petris-Short Act that the care and treatment of mental patients be provided in the local community. In order to achieve uniform statewide implementation of the policies of this act, it is necessary to establish the statewide policy that, notwithstanding any other provision of law, no city or county shall discriminate in the enactment, enforcement, or administration of any zoning laws, ordinances, or rules and regulations between the use of property for the treatment of general hospital or nursing home patients and the use of property for the psychiatric care and treatment of patients, both inpatient and outpatient.

Health facilities for inpatient and outpatient psychiatric care and treatment shall be permitted in any area zoned for hospitals or nursing homes, or in which hospitals and nursing homes are permitted by conditional use permit.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless health facilities which care for and treat mental patients are immediately treated on the same basis as other health facilities with respect to zoning, it will be impossible to provide for the care and treatment of mental patients in their local communities.

CHAPTER 560

An act to amend Sections 20020 and 20021.5 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20020 of the Government Code is amended to read:

20020. "Local policeman" means any officer or employee of a police department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as patrolmen or equal or higher rank irrespective of the duties to which they are assigned.

"Local policeman" does not include persons employed to perform identification or communication duties, other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members. Such election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as patrolmen or equal or higher rank.

SEC. 2. Section 20021.5 of the Government Code is amended to read:

20021.5. "County peace officer" means the sheriff and any officer or employee of a sheriff's office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service even when such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are assigned. Any other provision in this part of the Government Code to the contrary notwithstanding, "county peace officers" shall also include and mean any inspector, investigator, detective, or person with a comparable title, in any district attorney's office of a contracting agency whose principal duties are to investigate crime

and criminal cases and who receives compensation for such service.

“County peace officer” does not include persons employed to perform identification or communication duties other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members. Such election shall apply to the person’s past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as deputy sheriffs or equal or higher rank.

SEC. 3. This act shall become operative on the first of the month following the month in which it is effective.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Uncertainty and misunderstanding exists as to the retirement membership status of employees in local law enforcement agencies employed to perform identification and communication duties. It is essential to the morale of these public employees and the effective performance of local law enforcement functions that the status of the employees be clarified immediately.

CHAPTER 561

An act to amend Sections 1602, 1724, 1725, and 1748 of, and to add Section 1601.5 to, the Business and Professions Code, relating to dentists.

[Approved by Governor August 4, 1972 Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1601.5 is added to the Business and Professions Code, to read:

1601.5. For purposes of Section 1601, “practicing dentist” includes a member of a faculty of any dental college or dental department of any medical college in the State of California.

SEC. 2. Section 1602 of the Business and Professions Code is amended to read:

1602. All of the members of the board, except the public member, shall have been actively and legally engaged in the practice of dentistry in the State of California, for at least five years next preceding the date of their appointment. The public member shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600. No

more than one member of the board shall be a member of the faculty of any dental college or dental department of any medical college in the State of California. None of the members, including the public member, shall have any financial interest in any such college.

SEC. 3. Section 1724 of the Business and Professions Code is amended to read:

1724. The amount of charges and fees for dentists prescribed by this chapter is that fixed by the following schedule.

(a) The fee for applicants for examination and for reexamination shall be that fixed by the board in an amount not more than fifty dollars (\$50). Applicants who are found to be ineligible to take the examination shall be entitled to a refund in an amount fixed by the board.

(b) The renewal fee shall be fixed by the board at not more than twenty-four dollars (\$24) nor less than six dollars (\$6).

(c) The delinquency fee is ten dollars (\$10).

(d) The restoration fee for a license forfeited for nonregistration is twenty-five dollars (\$25).

(e) The penalty for late registration of change of place of practice is ten dollars (\$10).

SEC. 4. Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of charges and fees for dental hygienists is that fixed by the following schedule:

(a) The fee for applicants for examination for a license is twenty-five dollars (\$25).

(b) The renewal fee shall be fixed by the board at not more than six dollars (\$6) nor less than four dollars (\$4).

(c) The delinquency fee is five dollars (\$5).

(d) The restoration fee for a license forfeited for nonregistration is five dollars (\$5).

SEC. 5. Section 1748 of the Business and Professions Code is amended to read:

1748. Every person licensed to practice as a dental hygienist in this state shall register with the board his current mailing address to which all communications of the board may be sent. A separate book shall be kept by the secretary of the board for the registration of dental hygienists.

Any dental hygienist who changes his mailing address shall register with the board such change of address within one month after such change. In the event any licensed dental hygienist fails to notify the board of any change of address within the time prescribed by this section, the board shall not renew such person's license until a penalty of ten dollars (\$10) is paid.

An applicant for renewal of a license to practice dental hygiene shall specify in his application whether he has changed his mailing address, and if so, the date of such change, and the board may accept such statement as evidence of that fact.

CHAPTER 562

An act to amend Section 431.40 of the Code of Civil Procedure, relating to procedure.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 431.40 of the Code of Civil Procedure, as added by Chapter 244 of the Statutes of 1971, is amended to read:

431.40. (a) In any action in which the demand, exclusive of interest, or the value of the property in controversy does not exceed seven hundred fifty dollars (\$750), the defendant at his option, in lieu of demurrer or other answer, may file a general written denial verified by his own oath and a brief statement, similarly verified, of any new matter constituting a defense.

(b) Nothing in this section excuses the defendant from complying with the provisions of law applicable to a cross-complaint, and any cross-complaint of the defendant shall be subject to the requirements applicable in any other action.

CHAPTER 563

An act to repeal Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, Section 1 of this act shall be operative on and after July 1, 1973, except that the provisions of Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code as existing on June 30, 1973, shall remain applicable for the collection of the tax on operations conducted prior to such date, the making of any refunds, the effecting of any credits, the disposition of money collected, and for the commencement or the continuation of any action as proceeding pursuant to such part.

CHAPTER 564

An act to amend Section 190 of the Water Code, relating to regional water resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 190 of the Water Code, as amended by Chapter 872 of the Statutes of 1971, is amended to read:

190. Whenever the State of California is specifically invited by federal law to participate in any interstate commission to plan for the regional development of water and related resources, the Governor shall appoint each California member of such commission. The appointment of each such member shall be subject to confirmation by the Senate, and the member appointed shall serve at the pleasure of the Governor.

The provisions of this section shall also apply to the Western States Water Council established by the Western Governors' Conference at its meeting in Portland, Oregon, in June 1965.

Each member appointed by the Governor to the Western States Water Council shall receive the actual and necessary expenses incurred by him in the performance of his duties as a member, including travel expenses. Additionally, each such member, except persons who are officers or employees of the state, shall receive a compensation of twenty-five dollars (\$25) for each day such member is engaged in the performance of his duties as a member. Such expenses and compensation shall be paid from the budget of the advisory committee appointed pursuant to this article.

SEC. 2. This act shall become operative on March 4, 1972.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amendment of Section 190 of the Water Code by Chapter 872 of the Statutes of 1971 authorized each member appointed by the Governor to the Western States Water Council to receive the actual and necessary expenses incurred by him in the performance of his duties as a member, including travel expenses, and to receive certain additional compensation. Such amendment specified that such additional compensation shall be paid from the budget of the California Advisory Committee, but failed to specify the source of payment of the expenses. In order to protect the public health and safety it is necessary that the source of payment of the expenses of the members of the council also be specified. In order, therefore, to insure that the expenses of the members of the council will also be paid from the budget of the California Advisory Committee when

Chapter 872 of the Statutes of 1971 becomes effective, it is necessary that this act go into immediate effect.

CHAPTER 565

An act to amend Section 175 of the Water Code, relating to water.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 175 of the Water Code is amended to read:
175. There is in the Resources Agency the State Water Resources Control Board consisting of five members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this state who is qualified in the fields of water supply and water rights, one shall be a registered civil engineer under the laws of this state who is qualified in the fields of water supply and water rights, one shall be a registered professional engineer under the laws of this state who is experienced in sanitary engineering and who is qualified in the field of water quality, one shall be qualified in the field of water quality, and one member shall not be required to have specialized experience.

Each member shall represent the state at large and not any particular portion thereof and shall serve full time. The appointments so made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

CHAPTER 566

An act to amend Section 11476 of, and to add Section 10851.5 to, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10851.5 is added to the Welfare and Institutions Code, to read:

10851.5. Notwithstanding Section 10851, the board of supervisors of any county may authorize the destruction of the case narrative

portions of the case record that are over three years old in any case file, active or inactive, after audit by the department.

SEC. 2. Section 11476 of the Welfare and Institutions Code as amended by Chapter 578 of the Statutes of 1971 is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the county department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall be by certified mail, return receipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the county department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the county department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the county department has obtained sufficient information concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop and furnish to the counties guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate. If the absent parent is residing out of the county and his whereabouts is known, the county department may arrange for the personal contacts and interviews with the absent parent to be conducted by the county department of the county where the parent is located. The department shall provide by regulation for a plan of cooperation between the respective counties, and it shall be the duty of each county upon receiving a request from another county to cooperate and assist promptly in contacting, interviewing, and obtaining support agreements where appropriate from absent parents located within its boundaries.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.

2. The absent parent refuses to make a contribution in accordance with his financial ability.

3. There is reason to believe that the parent may flee or hide if contacted by the county department.

4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.

5. Legal action is necessary to establish paternity.

6. The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that agreement without showing good cause for such default.

7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

In every case which has not been referred to the district attorney, it shall be the duty of the county department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 3. Section 11476 of the Welfare and Institutions Code as amended by Chapter 578 of the Statutes of 1971, is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the county department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall

be by certified mail, return receipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the county department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the county department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the county department has obtained sufficient information concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop and furnish to the counties guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate. If the absent parent is residing out of the county and his whereabouts is known, the county department may arrange for the personal contacts and interviews with the absent parent to be conducted by the county department of the county where the parent is located. The department shall provide by regulation for a plan of cooperation between the respective counties, and it shall be the duty of each county upon receiving a request from another county to cooperate and assist promptly in contacting, interviewing, and obtaining support agreements where appropriate from absent parents located within its boundaries.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.
2. The absent parent refuses to make a contribution in accordance with his financial ability.
3. There is reason to believe that the parent may flee or hide if contacted by the county department.
4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.
5. Legal action is necessary to establish paternity.
6. The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that

agreement without showing good cause for such default.

7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

Where a court order has been obtained in the case by the district attorney, any contractual agreement for support between the county welfare department and the absent parent shall be deemed null and void to the extent that it is not consistent with the court order.

In every case which has not been referred to the district attorney, it shall be the duty of the county department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 184 are both chaptered and amend Section 11476 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 184, that the amendments to Section 11476 proposed by both bills be given effect and incorporated in Section 11476 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 184 are both chaptered, both amend Section 11476, and Senate Bill No. 184 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 567

An act to amend Section 167.10 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), relating to the Estero Municipal Improvement District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 167.10 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 167.10. If, in the judgment of the board of directors, at the time it makes a determination as provided in Section 167.1, as to bonds heretofore issued, heretofore authorized but unissued, or hereafter authorized to be issued for the purposes of acquiring, constructing, reconstructing, altering, enlarging, laying, renewing, replacing, maintaining or operating street and highway lighting facilities; works to provide for the drainage of roads, streets and public places, including, but not limited to curbs, gutters, sidewalks, grading, paving; culverts, bridges, underpasses or viaducts; facilities for the collection, treatment and disposal of sewage, industrial wastes, storm waters, garbage and refuse; the production, storage, treatment and distribution of water for public purposes and reclamation purposes, varying benefits will be more equitably apportioned among the several lots or parcels of land within a zone by the levy of taxes, to pay the principal and interest of said bonds, upon the taxable land and improvements or taxable land only within the zone, for a particular issue of bonds, it shall preliminarily so determine. In such event, the report prepared pursuant to Section 167.3 shall contain such information as will present the comparative difference between such tax base and the basis of all taxable property. The notices shall contain a statement of the preliminary determination and proposed action and the matter shall be heard and finally determined as provided in Sections 167.1 to 167.9, inclusive.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide for the sale of authorized water, sewer, street, and reclamation bonds of the Estero Municipal Improvement District on the district taxable land only assessment roll and provide for the legal means to transfer all or a portion of the district's issued water or sewer bonds on all taxable district land and improvements to the district taxable land only assessment roll and in order to

provide the equitable further development of the district without substantial bond tax increases, it is necessary that this act take effect immediately.

CHAPTER 568

An act to add Section 33320.2 to the Health and Safety Code, relating to redevelopment.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 33320.2 is added to the Health and Safety Code, to read:

33320.2. The area included within a project and a project area may be either contiguous or noncontiguous.

CHAPTER 569

An act to amend Sections 680, 682 and 684 of the Probate Code, relating to family allowance.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 680 of the Probate Code is amended to read:
680. The surviving spouse, minor children, and adult children who are physically or mentally incapacitated from earning a living and were actually dependent in whole or in part upon the decedent for support are entitled to such reasonable allowance out of the estate as shall be necessary for their maintenance according to their circumstances, during the progress of the settlement of the estate, which, in case of an insolvent estate, must not continue longer than one year after granting letters. Such allowance must be paid in preference to all other charges, except funeral charges, expenses of the last illness and expenses of administration, and may, in the discretion of the court or judge granting it, take effect from the death of the decedent.

SEC. 2. Section 682 of the Probate Code is amended to read:
682. If any person or persons otherwise eligible for family allowance under Section 680 have a reasonable maintenance derived from other sources, and there are other persons entitled to a family allowance, the allowance shall be granted only to those who have not

such maintenance.

SEC. 3. Section 684 of the Probate Code is amended to read:

684. No stay shall be had of payment of any family allowance, or of any installment thereof, pending appeal from an order relating thereto, even though the court, acting under the provisions of Section 916 of the Code of Civil Procedure, shall dispense with or limit the security required of an appellant, if the person in whose favor the allowance is made shall, at any time before the making of such payment, execute and file a good and sufficient written undertaking, with two or more sureties, to the effect that they are bound in double the amount of such payment or payments, and that if the judgment or order appealed from, or any part thereof, be so modified or reversed that such payment, or any part thereof, proves to be unwarranted, the same shall, unless deducted from any final or partial distribution ordered in favor of such person for whom such allowance was awarded, be repaid and refunded into said estate, and, if not so repaid and refunded within 30 days after the trial court shall so order following such modification or reversal, judgment may be entered therefor, on motion of the personal representative of said estate, in favor of the said personal representative and against the principal and sureties on such undertaking, for such amount, together with interest and costs not exceeding the amount of such undertaking.

CHAPTER 570

An act to amend Section 1111.6 of the Education Code, relating to school district elections.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1111.6 of the Education Code is amended to read:

1111.6. When an elementary, unified, high school, community college district or community college district trustee area, includes within its boundaries the same territory, or territory that is in part the same, as a city whose charter requires a regular city election to be held in each odd-numbered year, the consolidated governing board member elections of the elementary, unified, high school, community college district or community college district trustee area may be held on a Tuesday in the odd-numbered year and may be further consolidated with the city election pursuant to Chapter 4 of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the elementary, unified, high school or community

college district upon the written request of the governing board of the elementary, unified, high school or community college district, with the written consent of the legislative body of the city and the written consents of all of the governing boards of the districts whose governing board member elections are affected. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

When a high school district, community college district, or community college trustee area election is consolidated with that of a city pursuant to this section, or when a high school district, community college district, or community college trustee area is governed by the charter of a city providing for elections on dates other than those specified in this code, and, in either case, such high school district, community college district, or community college trustee area also has within its boundaries component districts whose elections would otherwise be held on the date specified in this code, then the elections in the component districts may be consolidated with the election in the high school district, community college district, or community college trustee area. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the component districts upon the written request of the governing boards thereof and with the written consent of the governing boards of the districts whose governing board member elections are to be consolidated with those of the component districts.

CHAPTER 571

An act to amend Sections 73076, 73084, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73084.6, 73085, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73085.8, 73085.9, 73086, 73088, 73089, 73090, 73090.1, 73090.2, and 73096 of, and to add Section 73085.10 to, of the Government Code, relating to courts.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73076 of the Government Code is amended to read:

73076. Whenever reference to numbered salary schedules is made in any section of this article, the schedule found in the salary ordinance of the County of Alameda shall apply.

SEC. 1.5. Section 73084 of the Government Code is amended to read:

73084. In each municipal court established in Alameda County

one clerk who shall also be known as the court administrative officer shall be appointed by the judge or judges of each court and he shall receive a monthly salary at the rate specified in Sections 73084.1 to 73084.6, inclusive.

SEC. 2. Section 73084.1 of the Government Code is amended to read:

73084.1. The clerk and administrative officer of the municipal court for the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number M-108 of the salary schedule.

SEC. 3. Section 73084.2 of the Government Code is amended to read:

73084.2. The clerk and administrative officer of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number M-61 of the salary schedule.

SEC. 4. Section 73084.3 of the Government Code is amended to read:

73084.3. The clerk and administrative officer of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number M-76 of the salary schedule.

SEC. 5. Section 73084.4 of the Government Code is amended to read:

73084.4. The clerk and administrative officer of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number M-86 of the salary schedule.

SEC. 6. Section 73084.5 of the Government Code is amended to read:

73084.5. The clerk and administrative officer of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified in schedule number M-71 of the salary schedule.

SEC. 7. Section 73084.6 of the Government Code is amended to read:

73084.6. The clerk and administrative officer of the municipal court for the Livermore Judicial District shall receive a monthly salary at the rate specified in schedule number M-61 of the salary schedule.

SEC. 8. Section 73085 of the Government Code is amended to read:

73085. Deputy clerks in each municipal court in Alameda County shall be compensated as determined by Sections 73085.1 to 73085.10, inclusive.

SEC. 9. Section 73085.1 of the Government Code is amended to read:

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number M-61 of the salary schedule.

SEC. 10. Section 73085.2 of the Government Code is amended to read:

73085.2. The deputy clerk, chief deputy of the Oakland-Piedmont Judicial District, shall receive a monthly salary at the rate specified in schedule number M-76 of the salary schedule.

SEC. 11. Section 73085.3 of the Government Code is amended to read:

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 190 of the salary schedule.

SEC. 12. Section 73085.4 of the Government Code is amended to read:

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 180 of the salary schedule.

SEC. 13. Section 73085.5 of the Government Code is amended to read:

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 160 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 14. Section 73085.6 of the Government Code is amended to read:

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 140 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 15. Section 73085.8 of the Government Code is amended to read:

73085.8. The deputy clerk, chief deputy of the San Leandro-Hayward Judicial District, shall receive a monthly salary at the rate specified in schedule number M-61 of the salary schedule.

SEC. 16. Section 73085.9 of the Government Code is amended to read:

73085.9. The deputy clerk, chief deputy of the Berkeley-Albany Judicial District, shall receive a monthly salary at the rate specified in schedule number M-51 of the salary schedule.

SEC. 17. Section 73085.10 is added to the Government Code, to read:

73085.10. The deputy clerk, chief deputy of the Fremont-Newark-Union City Judicial District, shall receive a monthly salary at the rate specified in schedule number M-51 of the salary schedule.

SEC. 18. Section 73086 of the Government Code is amended to read:

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the class of deputy clerk I specified in this article, shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever

a higher compensation is provided for positions in the class of superior court clerk I in the Alameda County classified service, each person holding a position in the class of deputy clerk II specified in this article, shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III and deputy clerk IV specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of chief superior court clerk in the Alameda County classified service, each person holding a position in the classes of chief deputy clerk, division chief, and clerk specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 19. Section 73088 of the Government Code is amended to read:

73088. The clerk and administrative officer of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

- (a) One chief deputy clerk.
- (b) Eight deputy clerks grade IV.
- (c) Five deputy clerks grade III.
- (d) Twelve deputy clerks grade II.
- (e) Nine deputy clerks grade I.

SEC. 20. Section 73089 of the Government Code is amended to read:

73089. The clerk and administrative officer of the municipal court for the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

- (a) One chief deputy clerk.
- (b) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.
- (c) Twenty-five deputy clerks grade IV.
- (d) Sixteen deputy clerks grade III.
- (e) Thirty-nine deputy clerks grade II; provided, that not to exceed 12 such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of five schedule numbers.

- (f) Twenty-six deputy clerks grade I.

SEC. 21. Section 73090 of the Government Code is amended to read:

73090. The clerk and administrative officer of the municipal court for the San Leandro-Hayward Judicial District may appoint the

following deputy clerks:

- (a) One chief deputy clerk.
- (b) Eleven deputy clerks grade IV.
- (c) Seven deputy clerks grade III.
- (d) Fifteen deputy clerks grade II.
- (e) Fourteen deputy clerks grade I.

SEC. 22. Section 73090.1 of the Government Code is amended to read:

73090.1. The clerk and administrative officer of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:

- (a) One chief deputy clerk.
- (b) Four deputy clerks grade IV.
- (c) Two deputy clerks grade III.
- (d) Seven deputy clerks grade II.
- (e) Six deputy clerks grade I.

SEC. 23. Section 73090.2 of the Government Code is amended to read:

73090.2. The clerk and administrative officer of the municipal court for the Livermore Judicial District may appoint the following deputy clerks:

- (a) Three deputy clerks grade IV.
- (b) Two deputy clerks grade III.
- (c) Five deputy clerks grade II.
- (d) Six deputy clerks grade I.

SEC. 24. Section 73096 of the Government Code is amended to read:

73096. Official reporters of municipal courts in Alameda County, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive sixty dollars (\$60) a day for the days they actually are on duty under order of the court; provided, that not to exceed three official reporters in a judicial district having three or more judges shall each receive an annual salary, vacation leave and sick leave, in the same amounts as the official reporters of the superior court in a county with a population of 850,000 and under 1,000,000 as determined by the 1960 federal census.

CHAPTER 572

An act to amend Section 71255 of the Water Code, relating to municipal water districts.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 71255 of the Water Code is amended to read: 71255. Each director shall receive compensation in an amount not to exceed fifty dollars (\$50) for each meeting of the board attended by him, which amount shall be fixed from time to time by the board. No director shall receive compensation for more than four meetings in any calendar month. A director shall be compensated for a meeting of the board if at the time of the holding of such meeting he is on other business of the district, at the request of the board.

If allowed by the board, a director shall also receive traveling and other expenses incurred by him on district business, at the request of the board.

CHAPTER 573

An act to amend Section 30507 of the Water Code, relating to county water districts.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 30507 of the Water Code is amended to read: 30507. Each director shall receive such sum as may be fixed by the board not exceeding fifty dollars (\$50) for each meeting of the board attended by him, not exceeding four meetings in any calendar month.

CHAPTER 574

An act to amend Sections 5350, 5352.1, 5353, and 5365, and to add Sections, 5352.4, 5358.1, 5358.5 and 6300.2 the Welfare and Institutions Code, relating to mental health.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5350 of the Welfare and Institutions Code is amended to read:

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for any person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

The procedure for establishing, administering and terminating conservatorship under this chapter shall be the same as that provided in Division 5 (commencing with Section 1701) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) Appointment of a conservator under this part shall be subject to the list of priorities in Section 1753 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(c) When a gravely disabled person already has a guardian or conservator, the superior court may appoint him or another person as conservator under the provisions of this chapter.

(d) The person for whom conservatorship is sought shall have the right to demand a court or jury trial on the issue whether he is gravely disabled. Demand for court or jury trial shall be made within five days following the hearing on the conservatorship petition. If the proposed conservatee demands a court or jury trial before the date of the hearing as provided for in Section 5365, such demand shall constitute a waiver of the hearing.

Court or jury trial shall commence within 10 days of the date of the demand, except that the court shall continue the trial date for a period not to exceed 15 days upon the request of counsel for the proposed conservatee.

This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) As otherwise provided in this chapter.

SEC. 2. Section 5352.1 of the Welfare and Institutions Code is amended to read:

5352.1. The court may establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator on the basis of the comprehensive report of the officer providing conservatorship investigation filed pursuant to Section 5354, or on the basis of an affidavit of the professional person who recommended

conservatorship stating the reasons for his recommendation, if the court is satisfied that such comprehensive report or affidavit show the necessity for a temporary conservatorship.

Except as provided in this section, all temporary conservatorships shall expire automatically at the conclusion of 30 days, unless prior to that date the court shall conduct a hearing on the issue of whether or not the proposed conservatee is gravely disabled as defined in subdivision (h) of Section 5008.

If the proposed conservatee demands a court or jury trial on the issue whether he is gravely disabled, the court may extend the temporary conservatorship until the date of the disposition of the issue by the court or jury trial, provided that such extension shall in no event exceed a period of six months.

SEC. 3. Section 5353 of the Welfare and Institutions Code is amended to read:

5353. A temporary conservator under this chapter shall determine what arrangements are necessary to provide the person with food, shelter, and care pending the determination of conservatorship. He shall give preference to arrangements which allow the person to return to his home, family or friends. If necessary, the temporary conservator may require the person to be detained in a facility providing intensive treatment or in a facility specified in Section 5358 pending the determination of conservatorship. Any person so detained shall have the same right to judicial review set forth in Article 5 (commencing with Section 5275) of Chapter 2 of this part.

The powers of the temporary conservator shall be those granted in the decree, but in no event may they be broader than the powers which may be granted a conservator.

SEC. 4. Section 5352.4 is added to the Welfare and Institutions Code, to read:

5352.4. If a conservatee appeals the court's decision to establish conservatorship, the conservatorship shall continue unless execution of judgment is stayed by the appellate court.

SEC. 5. Section 5358.1 is added to the Welfare and Institutions Code, to read:

5358.1. Neither a conservator, temporary conservator, or public guardian appointed pursuant to this chapter, nor a peace officer acting pursuant to Section 5358.5, shall be held civilly or criminally liable for any action by a conservatee.

SEC. 6. Section 5358.5 is added to the Welfare and Institutions Code, to read:

5358.5. When any conservatee placed into a facility pursuant to this chapter leaves the facility without the approval of the conservator or the person in charge of the facility, the conservator may take the conservatee into custody and return him to the facility. A conservator, at his discretion, may request a peace officer to detain the conservatee and return such person to the facility in which he was placed, pursuant to Section 7325 of the Welfare and Institutions

Code. Whenever possible, persons charged with apprehension of persons pursuant to this section shall dress in plain clothes and shall travel in unmarked vehicles.

SEC. 7. Section 5365 of the Welfare and Institutions Code is amended to read:

5365. A hearing shall be held on all petitions under this chapter within 30 days of the date of the petition. The court shall appoint the public defender or other attorney for the conservatee or proposed conservatee within five days after the date of the petition.

SEC. 8. Section 6300.2 is added to the Welfare and Institutions Code, to read:

6300.2. Any person admitted to a state hospital as a mentally disordered sex offender shall have the full patient rights specified in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5.

CHAPTER 575

An act to amend Section 235 of the Civil Code, relating to emancipation of minors.

[Approved by Governor August 4, 1972. Filed with Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 235 of the Civil Code is amended to read:

235. (a) The father or mother of such minor person, if his or her place of residence is known to the petitioner, or, if the place of residence of such father or mother is not known to the petitioner, then the grandparents and adult brothers, sisters, uncles, aunts, and first cousins of such minor person, if there are any and if their residences and relationships to such person are known to the petitioner, shall be notified of the proceedings by service of a citation advising such person or persons that they may appear at the time and place stated in such citation. Such citation shall be served in the manner provided by law for the service of a summons in a civil action, other than by publication. If the petition is filed for the purpose of freeing the child for placement for adoption, the citation shall so state. In all cases where one parent has relinquished his child for the purpose of adoption, or has signed a consent for adoption as provided in Sections 224m and 226, no notice as herein provided need be given to the parent who has signed such relinquishment or consent. Service of such citations shall be made at least 10 days before the time stated therein for such appearance.

(b) If the father or mother of such minor person or any person alleged to be or claiming to be the father or mother cannot, with reasonable diligence, be served as provided for in subdivision (a), or

if his or her place of residence is not known to the petitioner, the petitioner or his agent or attorney shall make and file an affidavit, and shall state therein the name of the father or mother or alleged father or mother and his or her place of residence, if known to the petitioner, and the name of the father or mother or alleged father or mother whose place of residence is unknown to the petitioner. Thereupon the court shall make an order that the service be made by the publication of a citation requiring such father or mother or alleged father or mother to appear at the time and place stated therein, and that the citation be published in a newspaper to be named and designated as most likely to give notice to the father or mother or alleged father or mother to be served once a week for four successive weeks. In case of publication where the residence of a parent or alleged parent is known, the court shall also direct a copy of the citation to be forthwith served upon such parent or alleged parent by mail by deposit in the post office properly addressed and with the postage thereon fully prepaid, directed to such parent or alleged parent at his or her place of residence. When publication is ordered, service of a copy of the citation in the manner provided for in subdivision (a) is equivalent to publication and deposit in the post office. Service is complete at the expiration of the time prescribed by the order for publication or when service is made as provided for in subdivision (a), whichever event shall first occur.

If one or both of the parents of such minor person be unknown or if the name of either or both of his parents be uncertain, then such fact shall be set forth in the affidavit and the court shall order the citation to be directed to either the father or the mother, or both, of the minor person, naming and otherwise describing the minor person, and to all persons claiming to be the father or mother of the minor person.

CHAPTER 576

An act to amend and renumber Section 54797.3 of, and to add Section 54797.3 to, and to add Chapter 4 (commencing with Section 58950) to Division 2, Title 6 of, the Government Code, and to amend Section 13917.5 of the Health and Safety Code, relating to local government.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 54797.3 of the Government Code is amended and renumbered to read:

54797.4. Any person may, prior to any meeting, request any local agency formation commission to cause a transcript record to be

made of such meeting. If the cost of such record is borne by such person, the commission shall cause a transcript record to be made.

SEC. 2. Section 54797.3 is added to the Government Code, to read:

54797.3. Notwithstanding any other provision of law, if an application is for the incorporation of a new city or the annexation of territory to an existing city, the commission may, in any resolution approving such incorporation or annexation, provide that any territory of a fire protection district which is to be dissolved pursuant to Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code as a result of such incorporation or annexation, or any territory which is to be detached from such a fire protection district or a county service area organized pursuant to Chapter 2.2 (commencing with Section 25210.1) of Part 2, Division 2, Title 3 as a result of such incorporation or annexation, shall be subject to any of the terms and conditions authorized in Section 56470, as the commission may specify in such resolution with respect to such territory.

SEC. 3. Chapter 4 (commencing with Section 58950) is added to Division 2 of Title 6 of the Government Code, to read:

CHAPTER 4. DISTRICT INDEBTEDNESS

58950. If territory has been detached from a district and such detached territory is subject to terms and conditions imposed by the local agency formation commission pursuant to Section 56470 and such terms and conditions require that the detached territory continue to be taxed for the payment of principal and interest on outstanding bonds of the district, the governing body of the district from which the territory was detached may absolve and relieve the detached territory of its annual tax liability as follows:

(a) The district board shall, by resolution, declare its intention to relieve the detached territory of its annual tax liability for payment of principal and interest on outstanding district bonds. The resolution shall describe the detached territory, specify the annual liability the territory will be relieved of, state the reason or reasons why the detached territory should be relieved, and fix a time, date, and place for a public hearing on the proposed relief of liability.

(b) The district board shall cause notice of the hearing to be published pursuant to Section 6066 in a newspaper of general circulation published in the territory of the district and the detached territory. The notice shall contain all the information specified in subdivision (a), and in lieu of notice the district board may cause a copy of the resolution required in subdivision (a) to be published.

(c) At the time, date and place stated in the notice, the district board shall hear and consider all objections or protests to relieving the detached territory of annual liability for payment of principal and interest on outstanding district bonds. The hearing may be continued from time to time. Upon conclusion of the hearing, the

district board shall determine by resolution, whether or not the detached territory should be relieved and absolved of any future annual tax liability for the outstanding bonds of the district.

(d) If the district board determines that the detached territory should be relieved of annual tax liability, it shall cause a copy of its resolution to be filed pursuant to Section 54902 with the Board of Equalization and the county assessor of the county in which the territory is located. The detached territory shall be relieved and absolved of the annual tax liability for outstanding district bonds imposed by the local agency formation commission in the year next succeeding adoption of the resolution when assessments or taxes are to be levied for payment of the principal and interest on the bonds.

Nothing in this section shall be construed as in any way limiting the power of a bondholder to enforce his contractual rights and nothing in this section shall affect the ultimate liability of such detached territory for the bonded indebtedness of the district in case of default. This section is intended to provide a means of relieving territory detached from a district from annual assessments for the principal and interest on bonded indebtedness when such territory is no longer receiving the services for which such bonded indebtedness was incurred.

SEC. 4. Section 13917.5 of the Health and Safety Code is amended to read:

13917.5. The district may acquire all necessary and proper lands and facilities, or any portion thereof, or equipment, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to three times the actual tax income for the fiscal year preceding the year in which the indebtedness is incurred, and all such indebtedness which is incurred on or after the effective date of this act shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board if the board has five members or more, and by the affirmative votes of at least two-thirds of the members if the board has less than five members, and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board, if the board has five members or more, or signed by at least two-thirds of the members if the board has less than five members. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due

before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

CHAPTER 577

An act to amend Sections 24224, 24260, 24354.2, 24355.2, 39382, and 39402 of the Health and Safety Code, relating to air pollution.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24224 of the Health and Safety Code is amended to read:

24224. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter, all provisions of Part 1 (commencing with Section 39000) of Division 26 relating to nonvehicular sources of air contaminants, and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 (commencing with Section 24291) of this chapter.

SEC. 2. Section 24260 of the Health and Safety Code is amended to read:

24260. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper for the administration of the district and to accomplish the purposes of this chapter and all provisions of Part 1 (commencing with Section 39000) of Division 26 relating to nonvehicular sources of air contaminants, and may perform all other acts necessary or proper to accomplish the purposes thereof.

SEC. 3. Section 24354.2 of the Health and Safety Code is amended to read:

24354.2. The district shall do such acts as may be necessary to carry out the provisions of this chapter and all provisions of Part 1 (commencing with Section 39000) of Division 26 relating to nonvehicular sources of air contaminants.

SEC. 4. Section 24355.2 of the Health and Safety Code is amended to read:

24355.2. The control officer shall observe and enforce:

(a) The provisions of this chapter and all provisions of Part 1 (commencing with Section 39000) of Division 26 relating to nonvehicular sources of air contaminants.

(b) All orders, regulations, and rules prescribed by the board.

(c) All variances and standards which the hearing board has prescribed.

SEC. 5. Section 39382 of the Health and Safety Code is amended to read:

39382. The regional district shall do such acts as may be necessary to carry out the provisions of this chapter and all provisions of Part 1 (commencing with Section 39000) of this division relating to nonvehicular sources of air contaminants.

SEC. 6. Section 39402 of the Health and Safety Code is amended to read:

39402. The control officer shall observe and enforce:

(a) The provisions of this chapter and all provisions of Part 1 (commencing with Section 39000) of this division relating to nonvehicular sources of air contaminants.

(b) All orders, regulations, and rules prescribed by the regional board.

(c) All variances and standards which the regional hearing board has prescribed.

CHAPTER 578

An act to add Section 12408.1 to the Insurance Code, relating to title insurance.

[Approved by Governor August 4, 1972. Filed with
Secretary of State August 4, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12408.1 is added to the Insurance Code, to read:

12408.1. Whenever a title insurer terminates its underwriting agreement with any underwritten title company, it shall at the same time give notice of the termination to the commissioner.

CHAPTER 579

An act to amend Sections 3056, 3920, 7522, 9042, 9890.53, 9943, 17804, and 17862 of the Business and Professions Code, and to amend Sections 232, 1155, 1158, 1161, 1384.1 and 4212 of, and to repeal Part 1.5 (commencing with Section 42.1) of Division 1 of, the Civil Code, and to amend Sections 416.60 and 416.70 of the Code of Civil Procedure, and to amend Sections 895.3, 8702, 23755.5, and 31231 of, the Education Code, and to amend Sections 385, 8672, and 8827.5 of, and to repeal Section 3512.1 of, the Elections Code, and to amend Sections 8201, 8203.1, and 8203.7 of the Government Code, and to amend Sections 1402, 1451, and 1503 of the Health and Safety Code, and to amend Sections 1299, 1391, 1393, 1698.4, 1698.5, 1700.33, 1700.34, and 4455 of, and to repeal Section 3080.5 of, the Labor Code, and to amend Sections 272, 273f, 310, 336, 1203.45, 12031, 12551, and 12552 of the Penal Code, and to amend Section 1510 of the Probate Code, and to amend Section 5194 of the Public Resources Code, and to amend Sections 13310, 15113, 15402, and 17785 of the Revenue and Taxation Code, and to amend Section 4200 of the Streets and Highways Code, and to amend Section 631 of the Unemployment Insurance Code, and to amend Sections 12509 and 23105 of the Vehicle Code, and to amend Sections 504, 509, 529, 631, 631.1, 781, 11263, 14005.4, 14005.6, 14008, 14053, 14054, and 19629 of the Welfare and Institutions Code, and to repeal Section 1 of Chapter 1748 of the Statutes of 1971, relating to age of majority.

[Approved by Governor August 7, 1972. Filed with
Secretary of State August 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3056 of the Business and Professions Code is amended to read:

3056. Notwithstanding any other provision of this chapter, the board shall permit any person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

- (a) Is over the age of 18 years.
- (b) Is of good moral character.
- (c) Is a citizen of the United States.
- (d) Has graduated from a college or university located in this state.
- (e) Has a degree as a doctor of optometry issued by a university located outside the United States.
- (f) Has at least four years experience as an instructor in optometry in a school located in the United States.
- (g) Makes application to the board for admission to the examination within six months after the effective date of this section.
- (h) Pays the fee specified in subdivision (b) of Section 3152.

SEC. 2. Section 3920 of the Business and Professions Code is amended to read:

3920. In order to apply for a license, except a provisional license under Section 3922, a person shall make application to the board on a form approved by the board, pay the application fee established by the board, and meet all of the following qualifications:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.
- (c) Have successfully completed an approved general education course of study as determined by the board or have comparable background and experience or a comparable combination of general education, background and experience, as determined by the board.

SEC. 3. Section 7522 of the Business and Professions Code is amended to read:

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship.

(b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while such officer or employee is engaged in the performance of his official duties; including a peace officer in part-time private patrol employment, provided such part-time employment does not exceed 50 hours in any calendar month.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this state which is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 18 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney at law.

(g) A licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance

transacted by them.

(i) The legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage.

(j) Any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

(k) A person engaged solely in the business of securing information about persons or property from public records.

SEC. 4. Section 9042 of the Business and Professions Code is amended to read:

9042. Each applicant shall furnish evidence satisfactory to the board that he complies with all the following requirements:

(a) Is at least 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States, or has declared his intention to become a citizen. A statement by the applicant, under oath, that he is a citizen or that he intends to apply for citizenship when he becomes eligible, shall be sufficient proof of compliance with this subdivision.

(d) Has received a master's degree from an accredited school of social work.

(e) Has had two years of full-time post-masters experience, acceptable to the board, in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic, or agency. One year of such experience shall have been in a hospital, clinic, or agency in which the applicant, under professional supervision, has employed such methods or measures.

(f) Has not committed any of the offenses set forth in Section 9028.

SEC. 5. Section 9890.53 of the Business and Professions Code is amended to read:

9890.53. To be eligible for application for a license, the applicant shall show financial responsibility, and the applicant, or one partner of a partnership, or one officer of a corporation shall have all the following:

(a) Be of good moral character.

(b) Be at least 18 years of age.

(c) Be a person whose license in any field of endeavor has not been revoked within five years from the date of application.

(d) Be a person with a minimum of two years' experience in personnel work or equivalent experience as determined by the division.

(e) Be a person who has completed the 12th grade, except that the division may establish proof satisfactory to them that the applicant is possessed of a 12th grade education in point of intellectual competency and achievement.

SEC. 6. Section 9943 of the Business and Professions Code is amended to read:

9943. To be eligible for application for a license, the applicant

shall be:

- (a) In the opinion of the bureau, of good moral character.
- (b) At least 18 years of age.
- (c) A person whose license has not been revoked within three years from the date of application.
- (d) A person with a minimum of one year's experience with an employment agency or with equivalent experience in the opinion of the bureau.
- (e) A person who has completed the 12th grade, except that the bureau may establish proof satisfactory to them that the applicant is possessed of a 12th grade education in point of intellectual competency and achievement.
- (f) Show financial responsibility.

SEC. 7. Section 17804 of the Business and Professions Code is amended to read:

17804. To qualify for a license an applicant shall have all the following qualifications:

- (a) At least a master's degree in marriage counseling, in social work, or in one of the behavioral sciences, including, but not limited to, sociology or psychology, obtained from a college or university accredited by the Western College Association, the Northwest Association of Secondary and Higher Schools, or an essentially equivalent accrediting agency as determined by the board.
- (b) At least two years' experience, of a character approved by the board, under the direction of a person who holds the degree specified in subdivision (a) or at least two years' experience of a type which in the discretion of the board is equivalent to that obtained under the direction of such a person.

- (c) Must be at least 18 years of age.

SEC. 8. Section 17862 of the Business and Professions Code is amended to read:

17862. A person who desires a license under this article shall meet all of the following qualifications:

- (a) He shall possess at least a master's degree in psychology, educational psychology, school psychology, or counseling and guidance, or a degree deemed equivalent by the board under regulations duly adopted under this article. Such degree or training shall be obtained from educational institutions approved by the board according to the regulations duly adopted under this article.

- (b) He shall be at least 18 years of age.

- (c) He shall be of good moral character.

- (d) He shall be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen, or that he intends to apply for citizenship when he becomes eligible to make application, shall be sufficient proof of compliance with this subdivision.

- (e) He shall have successfully completed 60 semester hours of postgraduate work devoted to pupil personnel services or have experience deemed equivalent by the board in regulations duly

adopted under this chapter.

(f) He shall furnish proof of three years of full-time experience as a credentialed school psychologist in the public schools or experience which the board deems equivalent. If the applicant provides proof of having completed one year's internship working full time as a school psychologist intern in the public schools in an accredited internship program, one year's experience shall be credited toward this requirement.

(g) He shall furnish written statements from two sponsors having personal knowledge of his professional competence. These statements shall include a description of the applicant's functioning and evaluation of his professional competencies, and statements relating to the moral character of the applicant. The sponsor of this applicant shall be qualified to be a licensed educational psychologist under this article.

(h) He shall be examined by the board with respect to the professional functions authorized by this article.

(i) He shall have at least one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist, or such suitable alternative experience as determined by the board in regulations duly adopted under this chapter.

SEC. 9. Part 1.5 (commencing with Section 42.1) of Division 1 of the Civil Code is repealed.

SEC. 10. Section 232 of the Civil Code, as amended by Chapter 1210 of the Statutes of 1971, is amended to read:

232. An action may be brought for the purpose of having any person under the age of 18 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left without provision for his identification by his parent or parents or by others or has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communication from such parent or parents, for a period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide identification, failure to provide, or failure to communicate for a period of six months shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and

control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(f) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two medical examiners certified under Section 6750 of the Welfare and Institutions Code. The parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the judge shall appoint an attorney or attorneys to represent the parent or parents and fix the compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

SEC. 11. Section 1155 of the Civil Code is amended to read:

1155. In this article, unless the context otherwise requires:

(a) An "adult" is a person who has attained the age of 18 years.

(b) A "bank" is any bank authorized to do business in this state.

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) "Court" means the superior court.

(e) "The custodial property" includes:

(1) All securities, money, life or endowment insurance policies, and annuity contracts under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this article.

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender, or other disposition of such securities, money, life or endowment insurance policies, and annuity contracts and income.

(f) A "custodian" is a person so designated in a manner prescribed in this article. The term includes a successor custodian.

(g) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state or a federal credit union or a credit union chartered and supervised under the laws of a state. An "insured financial institution" is one, where deposits, including a savings, share, certificate or deposit account, in which are, in whole or in part, insured by the Federal Deposit Insurance Corporation, by the Federal Savings and Loan Insurance Corporation, or by a fund approved by the state.

(h) A "guardian" of a minor means the general guardian, guardian, tutor, or curator of his property, or estate appointed or qualified by a court of this state or another state.

(i) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(j) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(k) "Life or endowment insurance policies and annuity contracts," means only life or endowment insurance policies and annuity contracts on the life of a minor or a member of the minor's family as defined in subdivision (l) of this section.

(l) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(m) A "minor" is a person who has not attained the age of 18 years.

(n) A "savings and loan association" includes a federal savings and loan association, or a state-chartered savings and loan association or building and loan association doing business in this state; an "insured savings and loan association" is a savings and loan association which is an "insured institution" as defined in Title IV of the National Housing Act; and an "account in an insured savings and loan association" has the meaning as in Section 1430.5 of the Probate Code.

(o) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, account in an insured savings and loan association, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(p) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(q) A "trust company" means a trust company as defined by Sections 107 and 109 of the Financial Code.

SEC. 12. Section 1158 of the Civil Code is amended to read:

1158. (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of 14 years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(d) To the extent that the custodial property is not so expended,

the custodian shall deliver or pay it over, with an accounting, to the minor on his attaining the age of 18 years or, if the minor dies before attaining the age of 18 years he shall thereupon deliver or pay it over, with an accounting, to the estate of the minor.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this article.

(f) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "As custodian for _____ under the California Uniform Gifts to Minors Act."

(Name of

minor)

The custodian shall hold all money which is custodial property in an account with a broker or an insured financial institution in the name of the custodian, followed, in substance, by the words: "As custodian for _____ under the California Uniform Gifts to Minors

(Name of minor)

Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of 14 years.

(i) A custodian has and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in this article, all the rights and powers which a guardian has with respect to property not held as custodial property.

(j) If the subject of the gift is a life or endowment insurance policy or annuity contract, the custodian (1) in his capacity as custodian, has all the incidents of ownership in the policy or contract to the extent as if he were the owner, except that the designated beneficiary of any

policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and (2) may pay premiums on the policy or contract out of the custodial property.

SEC. 12.5. Section 1161 of the Civil Code is amended to read:

1161. (a) A donor may, in the same transaction and by the same document by which the gift is made, designate one or more successor custodians to serve, in the designated order of priority, in the event that the custodian originally named or a prior successor custodian shall be unable to act as custodian, decline to accept the custodianship, resign, die, or become legally incapacitated by setting forth the successor custodian's name, followed in substance by the words: "is designated [first, second, etc., where applicable] successor custodian."

(b) A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor. The instrument of designation may, but need not, contain the resignation of the custodian. If the donor does not designate one or more successor custodians, and if the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of 14 years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become a successor custodian in accordance with the provisions of this subdivision (b).

(c) A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this article.

(d) The designation of a successor custodian as provided in subdivision (a) or (b) takes effect as to each item of the custodial property when the custodian resigns, dies, or becomes legally incapacitated, and the custodian or his legal representative:

(1) Obtains the written acceptance of the custodianship, following the designated order of priority, if any, of a successor custodian who is willing to act.

(2) Causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "As custodian for _____ under the California Uniform Gift to Minors Act"; and

(3) Delivers or causes to be delivered to such successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof.

(e) When a designation of a successor custodian takes effect by reason of the resignation of the custodian, the resigning custodian shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian who accepts the custodianship. The legal representative of a custodian who dies or becomes legally incapacitated promptly shall do all things within his power to put each item of the custodial property in the possession and control of the successor custodian who accepts the custodianship or in the possession and control of the guardian of the estate of a minor if he has such a guardian. If the custodian has executed as provided in subdivision (a) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(f) If a person designated as custodian or as successor custodian as provided in subdivision (a) or subdivision (b) is not eligible, or is unable to act as custodian, declines to accept the custodianship, dies, or becomes legally incapacitated before the minor attains the age of 18 years, and if the minor has a guardian of his estate, the guardian of the estate of the minor shall be successor custodian. If the minor has no such guardian, and if no designated successor custodian accepts the custodianship, a donor, his legal representative, the legal representative of the custodian, or an adult member of the minor's family, may petition the court for the designation of a successor custodian.

(g) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of 14 years, may petition the court that, for cause shown or for the best interests of the minor, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(h) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

SEC. 13. Section 1384.1 of the Civil Code is amended to read:

1384.1. (a) A power of appointment can be exercised only by a donee having the capacity to transfer the interest in property to which the power relates.

(b) Unless the creating instrument otherwise provides, a donee who is a minor may exercise a power of appointment.

SEC. 14. Section 4212 of the Civil Code is amended to read:

4212. If either party to any marriage denies the same, or refuses to join in a declaration thereof, the other may proceed, by action in the superior court, to have the validity of the marriage determined and declared.

SEC. 14.5. Section 416.60 of the Code of Civil Procedure is amended to read:

416.60. A summons may be served on a minor by delivering a copy of the summons and of the complaint to his parent, guardian, conservator, or similar fiduciary, or, if no such person can be found with reasonable diligence, to any person having the care or control of such minor or with whom he resides or by whom he is employed, and to the minor if he is at least 12 years of age.

SEC. 15. Section 416.70 of the Code of Civil Procedure is amended to read:

416.70. A summons may be served on a person (other than a minor) for whom a guardian, conservator, or similar fiduciary has been appointed by delivering a copy of the summons and of the complaint to his guardian, conservator, or similar fiduciary and to such person, but, for good cause shown, the court in which the action is pending may dispense with delivery to such person.

SEC. 15.1. Section 895.3 of the Education Code is amended to read:

895.3. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 895 may limit the number of minors to be admitted to such schools or classes. Any minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

SEC. 15.9. Section 8702 of the Education Code is amended to read:

8702. The governing board of each district may grant temporary exemption from courses in physical education to pupils who are ill or injured where a modified program to meet the needs of the pupils cannot be provided, and to pupils while enrolled for one-half, or less, of the work normally required of full-time students. Permanent exemption may be granted a pupil who has reached his 18th birthday, or a pupil who is enrolled as a postgraduate student.

SEC. 16.1. Section 23755.5 of the Education Code is amended to read:

23755.5. A person is a resident student of this state for the year immediately following the date he becomes 18 years of age if he was deemed to be a resident student pursuant to Section 23755 on the residency determination date immediately preceding the date he became 18 years of age.

SEC. 16.4. Section 31231 of the Education Code is amended to read:

31231. Scholarships shall be awarded to graduates of California high schools. For each fiscal year the state agricultural scholarship program shall consist of 400 awards. The administration of scholarships for the study of the science of agriculture shall be under the jurisdiction of the commission. No person shall be awarded a

scholarship unless:

(a) He is a resident of California.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) His course of study in high school shall have been directed toward preparation for work at the college level in the science of agriculture, or he is enrolled as an agricultural major at a community college or a four-year college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state agricultural scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of scholarships adopted pursuant to this chapter.

(h) He is a citizen of the United States or, if he is under 18 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 17. Section 385 of the Elections Code is amended to read:

385. The local registrar of births and deaths shall notify the county clerk not later than the 15th day of each month of all deceased persons 18 years of age and over, whose deaths were registered with him during the preceding month. This notification shall include at least the name, sex, age, birthplace, place of residence, date and place of death of each decedent.

SEC. 18. Section 3512.1 of the Elections Code is repealed.

SEC. 19. Section 8672 of the Elections Code, as added by Chapter 166 of the Statutes of 1971, is amended to read:

8672. A person between the ages of 18 and 21 years who is registered to vote is qualified for appointment to the committee if otherwise eligible.

SEC. 20. Section 8827.5 of the Elections Code, as added by Chapter 166 of the Statutes of 1971, is amended to read:

8827.5. Notwithstanding the provisions of Section 8827, a person shall be eligible for election or appointment to a committee if he is between the ages of 18 and 21 years and is registered to vote.

SEC. 21. Section 8201 of the Government Code is amended to read:

8201. Every person appointed as notary public shall:

(a) Be at the time of appointment a citizen of the United States and of this state, except as otherwise provided in Section 8203.1 of this chapter.

(b) Have resided in this state for 12 consecutive months immediately preceding his appointment, except as otherwise

provided in Section 8203.1.

(c) Be not less than 18 years of age.

(d) Satisfy the Secretary of State that he is of good moral character.

(e) Have satisfactorily answered a written questionnaire on a form prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. The questionnaire shall be answered before any notary public, and sworn to by such notary public who shall be entitled to a fee of two dollars (\$2) for his services with respect thereto. All questions shall be elementary questions based on the statutory law of this state as set forth in the booklet of the laws of California relating to notaries public distributed without charge by the Secretary of State to all applicants for commission as notary public. Applicants shall be permitted to refer to such booklet while taking said examination.

SEC. 22. Section 8203.1 of the Government Code is amended to read:

8203.1. The Secretary of State may appoint and commission notaries public for the military and naval reservations of the Army, Navy, Coast Guard, Air Force, and Marine Corps of the United States, wherever located in the state; provided, however, that such appointee shall be a citizen of the United States, not less than 18 years of age, and must meet the requirements set forth in subdivisions (d) and (e) of Section 8201.

SEC. 23. Section 8203.7 of the Government Code is amended to read:

8203.7. The Secretary of State may appoint and commission certified shorthand reporters of this state as notaries public; provided, however, that such appointees shall comply with the following requirements:

(a) Be a citizen of the United States.

(b) Be a resident of this state for at least 30 days prior to appointment.

(c) Be not less than 18 years of age.

(d) Meet the requirements set forth in subdivisions (d) and (e) of Section 8201.

SEC. 24. Section 1402 of the Health and Safety Code is amended to read:

1402. Any person, political subdivision of the state or governmental agency desiring a license under the provisions of this chapter shall file with the state department a verified application on a form prescribed, prepared and furnished by the department, containing:

(a) The name of the applicant, and if an individual, whether the applicant has attained the age of 18 years.

(b) The type of institution to be operated.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the state

department for the proper administration and enforcement of this chapter.

(f) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the institution for which application for license is made. If the applicant is a political subdivision of the state or other governmental agency, like evidence shall be submitted as to the person in charge of the institution for which application for license is made.

(g) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

SEC. 24.1. Section 1451 of the Health and Safety Code is amended to read:

1451. (a) The board shall not let the care, maintenance or attendance of the indigent sick or dependent poor by contract to any person. However, in cases:

- (1) Of unusual difficulty, or
- (2) Which require treatment, or hospital services, or the use of facilities not immediately available in the county hospital, or
- (3) Of emergency and for continued treatment after the emergency has ceased to exist,

the board may secure for the indigent sick, and other persons admissible to the county hospital, at an agreed rate, hospital service or any portion thereof from any public or private hospital, clinic, rest home, sanitarium, or other suitable facility or from any corporation formed under Section 9201 of the Corporations Code or under Chapter 11A (commencing with Section 11491) of Part 2, Division 2, of the Insurance Code, and operating in the state.

(b) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing service, convalescent care, and the furnishing of the necessary professional personnel, equipment, and facilities to manage the needs of patients on a continuing basis in accordance with accepted medical standards, with a staff of professional nursing personnel who are assigned and available under a clear and definite responsibility to the institution rendering the service for the provision of services to the patients, and such other care, service or supplies as may be necessary for the treatment of the sick or injured.

(c) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age of 18 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county.

(d) The county may also contract for medical treatment of persons admissible to the county hospital with any licensed physician and surgeon, or a corporation operating under Section 9201 of the

Corporations Code.

(e) The county may also contract for health care services when the board determines that the hospital services or any portion thereof rendered by the county hospital should be coordinated with those provided by any other source.

SEC. 24.2. Section 1503 of the Health and Safety Code is amended to read:

1503. Any person, political subdivision of the state, or governmental agency desiring a license under the provisions of this chapter shall file with the state department a verified application on a form prescribed, prepared and furnished by the department, containing:

(a) The name of the applicant; and, if an individual, whether the applicant has attained the age of 18 years.

(b) The type of establishment and the special services to be rendered by it for handicapped persons.

(c) The location thereof.

(d) The name of the person in charge thereof.

(e) Such other information as may be required by the department for the proper administration and enforcement of this act.

(f) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the establishment for which application for license is made. If the applicant is a political subdivision of the state or other governmental agency, like evidence shall be submitted as to the person in charge of the establishment for which application for license is made.

(g) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

SEC. 25. Section 1299 of the Labor Code is amended to read:

1299. Every person, or agent or officer thereof, employing either directly or indirectly through third persons minors, shall keep on file all permits and certificates, either to work or to employ, issued under the provisions of this article or of Division 9 (commencing with Section 10501) of the Education Code. Such files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Statistics and Law Enforcement.

SEC. 26. Section 1391 of the Labor Code, as amended by Chapter 1317 of the Statutes of 1971, is amended to read:

1391. Except as provided in Sections 1297 and 1298, no minor shall be employed more than eight hours in one day of 24 hours or more than 48 hours in one week, or before five o'clock in the morning, or after ten o'clock in the evening; but a minor may work the hours authorized by this section during any evening preceding a

nonschoolday until 12:30 in the morning of such nonschoolday.

Any person or the agent or officer thereof, or any parent or guardian, who directly or indirectly violates or causes or suffers the violation of any provision of this section is guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) or imprisonment in the county jail for not more than 60 days or both.

SEC. 27. Section 1393 of the Labor Code is amended to read:

1393. No minor shall vend and sell goods, engage in, or conduct any business between 10 o'clock in the evening and five o'clock in the morning.

Any person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than twenty dollars (\$20), or by imprisonment for not more than 10 days, or by both.

SEC. 28. Section 1698.4 of the Labor Code is amended to read:

1698.4. No licensee shall send or cause to be sent, any woman or minor as an employee to any house of ill fame, to any house or place of amusement for immoral purpose, to places resorted to for the purposes of prostitution, or to gambling houses, the character of which places the agency could have ascertained upon reasonable inquiry.

SEC. 29. Section 1698.5 of the Labor Code is amended to read:

1698.5. No licensee shall send any minor to any saloon or place where intoxicating liquors are sold to be consumed on the premises.

SEC. 30. Section 1700.33 of the Labor Code is amended to read:

1700.33. No artists' manager shall send or cause to be sent, any woman or minor as an employee to any house of ill fame, to any house or place of amusement for immoral purpose, to places resorted to for the purposes of prostitution, or to gambling houses, the character of which places the artists' manager could have ascertained upon reasonable inquiry.

SEC. 31. Section 1700.34 of the Labor Code is amended to read:

1700.34. No artists' manager shall send any minor to any saloon or place where intoxicating liquors are sold to be consumed on the premises.

SEC. 32. Section 3080.5 of the Labor Code is repealed.

SEC. 33. Section 4455 of the Labor Code, as amended by Chapter 1750 of the Statutes of 1971, is amended to read:

4455. If the injured employee is under 18 years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed in Section 4453, to be the weekly sum which under ordinary circumstances he would probably be able to earn at the age of 18 years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured. If such probable earnings at the age of 18 years cannot reasonably be determined, his average weekly earnings shall be taken at one hundred seven dollars and sixty-nine cents (\$107.69).

SEC. 34. Section 272 of the Penal Code is amended to read:

272. Every person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 years to come within the provisions of Sections 600, 601, or 602 of the Welfare and Institutions Code or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person under the age of 18 years or any ward or dependent child of the juvenile court to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person within the provisions of Sections 600, 601, or 602 of the Welfare and Institutions Code, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years. The district attorney shall prosecute all violations charged under this section.

SEC. 35. Section 273f of the Penal Code is amended to read:

273f. Any person, whether as parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor, is guilty of a misdemeanor.

SEC. 36. Section 310 of the Penal Code is amended to read:

310. Any minor under the age of 16 years who visits or attends any prizefight, cockfight, or place where any prizefight, or cockfight, is advertised to take place, and any owner, lessee, or proprietor, or the agent of any owner, lessee, or proprietor of any place where any prizefight or cockfight is advertised or represented to take place who admits any minor to a place where any prizefight or cockfight is advertised or represented to take place or who admits, sells or gives to any such minor a ticket or other paper by which such minor may be admitted to a place where a prizefight or cockfight is advertised to take place, is guilty of a misdemeanor, and is punishable by a fine of not exceeding fifty dollars (\$50) or by imprisonment in the county jail for not more than 25 days.

SEC. 37. Section 336 of the Penal Code is amended to read:

336. Every owner, lessee, or keeper of any house used in whole, or in part, as a saloon or drinking place, who knowingly permits any person under 18 years of age to play at any game of chance therein, is guilty of a misdemeanor.

SEC. 38. Section 1203.45 of the Penal Code is amended to read:

1203.45. (a) In any case in which a person was under the age of 18 years at the time of commission of a misdemeanor and is eligible for, or has previously received, the relief provided by Section 1203.4 or 1203.4a, such person, in a proceeding under Section 1203.4 or 1203.4a, or a separate proceeding, may petition the court for an order

sealing the record of conviction and other official records in the case, including records of arrests resulting in the criminal proceeding and records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 18 at the time of the commission of the misdemeanor, and is eligible for relief under Section 1203.4 or 1203.4a or has previously received such relief, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(b) This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section.

(c) This section shall not apply to offenses for which registration is required under Section 290, to violations of Division 10 (commencing with Section 11000) of the Health and Safety Code, or to misdemeanor violations of the Vehicle Code relating to operation of a vehicle or of any local ordinance relating to operation, standing, stopping, or parking of a motor vehicle.

(d) This section does not apply to a person convicted of more than one offense, whether the second or additional convictions occurred in the same action in which the conviction as to which relief is sought occurred or in another action, except in the following cases:

(1) One of the offenses includes the other or others.

(2) The other conviction or convictions were for the following:

(i) Misdemeanor violations of Chapters 1 (commencing with Section 21000) to 9 (commencing with Section 22500), inclusive, or Chapters 12 (commencing with Section 23100) to 14 (commencing with Section 23340), inclusive, of Division 11 of the Vehicle Code, other than Sections 23101 to 23108, inclusive, or Section 23121.

(ii) Violation of any local ordinance relating to the operation, stopping, standing, or parking of a motor vehicle.

(3) The other conviction or convictions consisted of any combination of paragraphs (1) and (2).

(e) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

SEC. 39. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 18 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Uniformed security guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(11) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers.

(12) Employees or agents of a burglar alarm company while responding to an alarm, or such employees or agents, when in uniform, while on duty for the purpose of responding to an alarm. Nothing in this paragraph shall be construed to prohibit cities and counties from enacting ordinances requiring local licensing of those persons covered under this paragraph.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having

a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 40. Section 12551 of the Penal Code is amended to read:

12551. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

SEC. 41. Section 12552 of the Penal Code is amended to read:

12552. Every person who furnishes any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, to any minor, without the express or implied permission of the parent or legal guardian of the minor, is guilty of a misdemeanor.

SEC. 41.2. Section 1510 of the Probate Code is amended to read:

1510. If the court approves a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim for damages, money or other property, or approves a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or gives judgment for such a person, and the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed ten thousand dollars (\$10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court, in its discretion, may require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court, or it may require a guardian of the estate to be appointed and the money or the other property to be paid or delivered to such guardian, or prescribe such other conditions as the court in its discretion deems to the best interests of the minor, or insane or incompetent person; provided, however, that if the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed one thousand dollars (\$1,000), and such money or property is to be paid or delivered for the benefit of a minor, the court may direct that all or any part of the money or the property be paid or delivered to a parent of the minor, without bond, upon the terms and under the conditions specified in Section 1430 of the Probate Code. If the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment exceeds ten thousand dollars (\$10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court shall require a guardian of the estate to be appointed and shall direct that the money or the other property be paid or delivered to the guardian, or in lieu of the appointment of a guardian of the estate, shall require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by

the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon order of the court, and as to other property to be paid or delivered, the court shall prescribe such conditions as it may deem to be the best interests of the minor, or insane or incompetent person.

Notwithstanding any other provision of law, upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, in any case to which this section applies, the court making the order or giving judgment, and as a part thereof, may expressly retain jurisdiction of any part or all of the money paid, delivered, deposited, or invested until the minor reaches the age of 18 years.

Upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, the court making the order or giving judgment, and as a part thereof, shall make a further order authorizing and directing a parent of the minor or guardian of the minor, or insane or incompetent person, or the payer of any money to be paid for the benefit of such person, to pay, from the money or other property to be paid or delivered, such reasonable expenses (medical or otherwise and including reimbursement to a parent or guardian), costs and attorney's fees as the court shall approve and allow therein. The remaining balance of such money or other property shall be paid, delivered or deposited as hereinabove provided.

The term "account in an insured savings and loan association" used in this section means shares issued by a federal savings and loan association, or investment certificates issued by a state-chartered building and loan association or savings and loan association doing business in this state which is an "insured institution" as defined in Title IV of the National Housing Act, or shares issued by a state-chartered building and loan association or savings and loan associations doing business in this state which does not issue investment certificates and which is an "insured institution" as defined in Title IV of the National Housing Act.

Where reference is made in this section to "guardian of the estate" such reference shall be deemed to include "conservator of the estate," and reference to "incompetent person" shall be deemed to include "a person for whom a conservator may be appointed."

SEC. 41.4. Section 5194 of the Public Resources Code is amended to read:

5194. Prisoners over the age of 18 years, who have been sentenced to hard labor in any penal establishment of any city or city

and county may, upon the request and requisition of the board of park commissioners, be put to work upon the parks and grounds which are under the control of the board.

SEC. 42. Section 13310 of the Revenue and Taxation Code is amended to read:

13310. In determining the classification of a transferee of any class for the purposes of this part, children adopted in conformity with the laws of this state while under the age of 18 years are deemed to be natural children of their adoptive parents and to be unrelated to any natural parent who has been replaced by the adoption. Other adopted children are deemed to retain their relationship to their natural parents and to be unrelated to their adoptive parents; provided, however, that a person adopted by the decedent at a time when such person was 18 years of age or older and the lineal issue of such person shall be deemed class A transferees, if the decedent was the stepparent of such person at the time of adoption and the stepparent-stepchild relationship existed for at least 10 years prior to the date of death.

SEC. 43. Section 15113 of the Revenue and Taxation Code is amended to read:

15113. In determining the classification of a donee of any class for the purposes of this part, children adopted in conformity with the laws of this state while under the age of 18 years are deemed to be natural children of their adoptive parents and to be unrelated to any natural parent who has been replaced by the adoption. Other adopted children are deemed to retain their relationship to their natural parents and to be unrelated to their adoptive parents; provided, however, that a person adopted by the donor at a time when such person was 18 years of age or older and the lineal issue of such person shall be deemed class A donees if the donor was the stepparent of such person at the time of adoption and the stepparent-stepchild relationship existed for at least 10 years prior to the date of gift.

SEC. 44. Section 15402 of the Revenue and Taxation Code is amended to read:

15402. The exemption allowed by this article shall not apply to a future interest in property; provided, that no part of a gift to an individual who has not attained the age of 18 years on the date of such transfer shall be considered a gift of a future interest in property for the purposes of this section if the property and the income therefrom may be expended by, or for the benefit of, the donee before his attaining the age of 18 years, and will to the extent not so expended pass to the donee on his attaining the age of 18 years, and in the event the donee dies before attaining the age of 18 years, be payable to the estate of the donee or as he may appoint under an unlimited power of appointment.

SEC. 45. Section 17785 of the Revenue and Taxation Code is amended to read:

17785. Section 17784 shall not apply to the following powers

regardless of by whom held:

(a) A power described in Section 17791 to the extent that the grantor would not be subject to tax under that section.

(b) A power, the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that a grantor would not be treated as the owner under Section 17783 if the power were a reversionary interest; but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

(c) A power exercisable only by will, other than a power in the grantor to appoint by will the income of the trust where the income is accumulated for such disposition by the grantor or may be so accumulated in the discretion of the grantor or a nonadverse party, or both, without the approval or consent of any adverse party.

(d) A power to determine the beneficial enjoyment of the corpus or the income therefrom if the corpus or income is irrevocably payable for a purpose specified in Section 17214 (relating to definition of charitable contributions).

(e) A power to distribute corpus either—

(1) To or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries) provided that the power is limited by a reasonably definite standard which is set forth in the trust instrument; or

(2) To or for any current income beneficiary, provided that the distribution of corpus must be chargeable against the proportionate share of corpus held in trust for the payment of income to the beneficiary as if the corpus constituted a separate trust.

A power does not fall within the powers described in this subsection if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

(f) A power to distribute or apply income to or for any current income beneficiary or to accumulate the income for him, provided that any accumulated income must ultimately be payable—

(1) To the beneficiary from whom distribution or application is withheld, to his estate, or to his appointees (or persons named as alternate takers in default of appointment) provided that such beneficiary possesses a power of appointment which does not exclude from the class of possible appointees any person other than the beneficiary, his estate, his creditors, or the creditors of his estate, or

(2) On termination of the trust, or in conjunction with a distribution of corpus which is augmented by such accumulated income, to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument.

Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive a date of distribution which could reasonably have been expected to occur

within the beneficiary's lifetime, the share of the deceased beneficiary is to be paid to his appointees or to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified. A power does not fall within the powers described in this subsection if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus except where such action is to provide for after-born or after-adopted children.

(g) A power exercisable only during—

(1) The existence of a legal disability of any current income beneficiary; or

(2) The period during which any income beneficiary shall be under the age of 18 years,

to distribute or apply income to or for such beneficiary or to accumulate and add the income to corpus. A power does not fall within the powers described in this subsection if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

(h) A power to allocate receipts and disbursements as between corpus and income, even though expressed in broad language.

SEC. 45.5. Section 4200 of the Streets and Highways Code is amended to read:

4200. If, upon the hearing of such motion, neither a trial by jury nor by the court without a jury is demanded by the defendants or any of them or by the plaintiff, such trial shall be waived, and the court shall appoint three disinterested persons as referees, to ascertain the compensation and damages to be paid to such defendants who thus waive trial. Such referees shall be residents of the city where such improvement is to be made, and over the age of 18 years. Each referee shall qualify by filing with the court an oath to discharge his duties faithfully and impartially. If any referee fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the court shall fill the vacancy.

SEC. 46. Section 631 of the Unemployment Insurance Code, as amended by Chapter 1447 of the Statutes of 1971, is amended to read:

631. "Employment" does not include service performed by a child under the age of 18 years in the employ of his father or mother, or service performed by an individual in the employ of his son, daughter, or spouse, except to the extent that the employer and the employee have, pursuant to Section 702.5, elected to make contributions to the Unemployment Compensation Disability Fund.

SEC. 47. Section 12509 of the Vehicle Code is amended to read:

12509. (a) Except as provided in subdivision (f) of Section 12514 any physically or mentally qualified person who is 15 years and 6 months or over who has successfully completed approved courses in automobile driver education and driver training as provided in

Section 12507 or any physically or mentally qualified person who is over the age of 17 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle, including a motorcycle subject to the limitations imposed by subdivision (d) of this section, upon the highways for a period not exceeding six months when, except in the case of a motorcycle, accompanied by, and under the immediate supervision of, a California licensed driver 18 years of age or over not holding a probationary type license. The restriction as to the age of the person accompanying the applicant shall not apply when he is an instructor licensed under Chapter 1 (commencing with Section 11000) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code. The department may extend the period of the permit for an additional period not to exceed six months upon receipt of a written request from the applicant prior to the expiration of the original six-months period. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

(b) The department may also issue an instruction permit to any physically and mentally qualified person age 15 years and 6 months or over who has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507. The department may issue an instruction permit to any physically and mentally qualified person age 15 years or over who is enrolled in an approved driver education course and is at the same time or during the same semester enrolled in an approved driver training course. No student shall take driver training instruction unless he is at the same time taking driver education instruction or has successfully completed driver education. The instruction permit shall be restricted to the operation of a motor vehicle other than a motorcycle either when taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction and accompanied by a licensed driver as provided in subdivision (a).

(c) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice such instruction in order to obtain an additional class driver's license or an endorsement.

(d) The department may also issue an instruction permit to any physically and mentally qualified person who is 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or to any physically and mentally qualified person who is over the age of 17 years and 6 months which shall enable the applicant while having the permit in his immediate possession to

drive a motorcycle, except that such applicant shall not operate a motorcycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

SEC. 48. Section 23105 of the Vehicle Code is amended to read:

23105. (a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone maintenance treatment program approved pursuant to Section 11655.7 of the Health and Safety Code, to drive a vehicle upon any highway.

(c) Any person convicted under this section is guilty of a misdemeanor and shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second or subsequent conviction if the person has previously been convicted of a violation of driving a vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug.

(d) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but not more than one thousand dollars (\$1,000).

(e) If the person convicted under this section is under the age of 18 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 49. Section 504 of the Welfare and Institutions Code is amended to read:

504. The Bureau of Criminal Identification and Investigation shall not knowingly transmit to any person or agency any information relating to an arrest or taking into custody of a minor at the time of such arrest or taking into custody unless such information also includes the disposition resulting therefrom.

"Disposition," as used herein, includes a release of such minor from custody without the filing of an accusatory pleading or the filing of

a petition under the provisions of this chapter, a determination of the issue of wardship by the juvenile court, or a determination by the juvenile court that such minor is not a fit subject to be dealt with under the provisions of this chapter.

This section shall not be construed to prohibit the Bureau of Criminal Identification and Investigation from transmitting fingerprints or photographs of a minor to a law enforcement agency for the purpose of obtaining identification of the minor or from requesting from such agency the history of the minor.

This section shall not be construed to prohibit the Bureau of Criminal Identification and Investigation from transmitting any information relating to an arrest or taking into custody of a minor received by said bureau prior to the effective date of this section.

SEC. 50. Section 509 of the Welfare and Institutions Code is amended to read:

509. The judge of the juvenile court of a county, or, if there is more than one such judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or lockup which, in the preceding calendar year was used for confinement for more than 24 hours of any minor. Such judge shall note in the minutes of the court whether the jail, juvenile hall, or lockup is a suitable place for confinement of minors.

The Department of the Youth Authority shall likewise conduct an annual inspection of each jail, juvenile hall, or lockup situated in this state which, during the preceding calendar year, was used for confinement for more than 24 hours of any minor.

If either such judge of the juvenile court or the department, after inspection of a jail, juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for confinement of minors, the juvenile court or the department shall give notice of its finding to all persons having authority to confine such minors pursuant to this chapter and commencing 60 days thereafter such jail, juvenile hall, or lockup shall not be used for confinement of such minors until such time as the judge or department, as the case may be, finds, after reinspection of the jail, juvenile hall, or lockup, that the conditions which rendered the facility unsuitable have been remedied, and such facility is a suitable place for confinement of such minors.

The custodian of each jail, juvenile hall, and lockup shall make such reports as may be required by the department or the juvenile court to effectuate the purposes of this section.

SEC. 51. Section 529 of the Welfare and Institutions Code is amended to read:

529. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently

than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement of more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Youth Authority.

SEC. 53. Section 631 of the Welfare and Institutions Code is amended to read:

631. (a) Whenever a minor is taken into custody by a peace officer or probation officer, except when such minor willfully misrepresents himself as 18 or more years of age, such minor shall be released within 48 hours after having been taken into custody, excluding nonjudicial days, unless within said period of time a petition to declare him a ward or dependent child has been filed pursuant to the provisions of this chapter or a criminal complaint against him has been filed in a court of competent jurisdiction.

(b) Whenever a minor who has been held in custody for more than six hours by the probation officer is subsequently released and no petition is filed, the probation officer shall prepare a written explanation of why the minor was held in custody for more than six hours. The written explanation shall be prepared within 72 hours after the minor is released from custody and filed in the record of the case. A copy of the written explanation shall be sent to the parents, guardian, or other person having care or custody of the minor.

SEC. 54. Section 631.1 of the Welfare and Institutions Code is amended to read:

631.1. When a minor willfully misrepresents himself to be 18 or more years of age when taken into custody by a peace officer or probation officer, and this misrepresentation effects a material delay in investigation which prevents the filing of a petition pursuant to the provisions of this chapter or the filing of a criminal complaint against him in a court of competent jurisdiction within 48 hours, such petition or complaint shall be filed within 48 hours from the time his true age is determined, excluding nonjudicial days. If, in such cases, the petition or complaint is not filed within the time prescribed by this section, the minor shall be immediately released from custody.

SEC. 54.5. Section 781 of the Welfare and Institutions Code is amended to read:

781. (a) In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a dependent child or ward of the court, in any case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to Section 626, or in any case in which a minor is taken before any officer of a law enforcement agency, the person or the county probation officer may, five years or more after

the jurisdiction of the juvenile court has terminated as to the person, or, in a case in which no petition is filed, five years or more after the person was cited to appear before a probation officer or was taken before a probation officer pursuant to Section 626 or was taken before any officer of a law enforcement agency, or, in any case, at any time after the person has reached the age of 18 years, petition the court for sealing of the records, including records of arrest, relating to the person's case, in the custody of the juvenile court and probation officer and any other agencies, including law enforcement agencies, and public officials as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction or action pursuant to Section 626, as the case may be, he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order sealed all records, papers, and exhibits in the person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter, the proceedings in such case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise, except as provided in subdivision (b), such records shall not be open to inspection.

(b) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

SEC. 55. Section 11263 of the Welfare and Institutions Code is amended to read:

11263. Except as provided in Sections 11253 and 11455, no person over the age of 18 years is a needy child within the meaning of this chapter.

SEC. 56. Section 14005.4 of the Welfare and Institutions Code, as added by Chapter 577 of the Statutes of 1971, is amended to read:

14005.4. A person under 18 years of age, who would qualify on the basis of financial eligibility but who does not qualify as a dependent child, under the provisions of Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, is eligible for health care services under Section 14005; provided, however, if such person is voluntarily living apart from a parent or parents, he is not eligible under Section 14005, unless his living apart is temporary and is for purposes of education and training, such as school attendance, but only to and including the 12th grade.

Included under this section are children in foster care for whom public agencies are assuming financial responsibility in whole or in part and persons receiving aid under Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 of this code.

The director may, to meet the requirements of the Federal Social Security Act, decrease or increase the eligibility standards for persons under this section.

SEC. 57. Section 14005.6 of the Welfare and Institutions Code, as added by Chapter 1685 of the Statutes of 1971, is amended to read:

14005.6. (a) When a person is not eligible for aid under any of the chapters set forth in Section 14005.1, but meets all of the following conditions, he is eligible for health care benefits or services under Section 14005:

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, except that the minimum basic standard of adequate care for a single person living alone shall be 75 percent of the standard for a two-person family under Section 11452;

(2) He resides within the state;

(3) He is a citizen of the United States, or has been legally present in the United States for a period of five years immediately preceding the date of application for Medi-Cal coverage, or who has applied for citizenship;

(4) He is 18 years of age or older, or has entered into a ceremonial marriage; and

(5) He is not receiving adequate financial contributions toward his support and cost of health care from a husband or wife or parent or adult child able to and responsible for support under the laws of this state.

(b) Any person who has a legal obligation under pertinent sections of the Civil Code to support a person who is eligible under this section to receive health care services, shall complete a statement containing such financial information as may be deemed reasonably necessary by the department for the county to determine his ability to support the applicant. Any such person who fails or refuses to complete such statement, or who furnishes or reports false or misleading financial information, is guilty of a misdemeanor.

A responsible relative shall be required to pay towards the cost of health care services of a beneficiary under this chapter, the amount for which he would be liable under pertinent sections of the Civil Code.

The duty to support under this section shall be enforced by the county which determined the eligibility of the person to whom support is owed.

The failure of a responsible relative to comply with this section shall in no way affect the eligibility for health care services of the person for whom he is responsible.

SEC. 58. Section 14008 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is amended to read:

14008. No relative, other than the spouse, shall be held to be financially responsible for the cost of health care received by an adult eligible under this chapter.

No relative, other than the parent or parents of a child under 18, shall be held to be financially responsible for the cost of health care or related services received by such child, otherwise eligible under this chapter.

This section shall apply only to relatives of persons described in Sections 14005.4 and 14005.7.

SEC. 59. Section 14053 of the Welfare and Institutions Code, as amended by Chapter 1593 of the Statutes of 1971, is amended to read:

14053. "Health care and related remedial or preventive services" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Health, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

4. Skilled nursing home services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law), as defined for the purpose of securing federal approval of a plan under Title XIX of the Federal Social Security Act, to persons 18 years of age or older, or to persons under 18 years of age to the extent permitted by federal law.

5. Physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

6. Medical care, or any other type of remedial care recognized under the laws of this state, furnished by licensed practitioners within the scope of their practice as defined by the laws of this state. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

7. Home health care services.
8. Private duty nursing services.
9. Outpatient clinic services.
10. Dental services.
11. Physical therapy and related services.
12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select.
13. Other diagnostic, screening, preventive, or rehabilitative services.
14. Inpatient hospital services and skilled nursing home services for any individual 65 years of age or over in an institution for tuberculosis or mental diseases.

Such term shall not include, except to the extent permitted by federal law,

- a. Any care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or
- b. Any care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

SEC. 60. Section 14054 of the Welfare and Institutions Code, as amended by Chapter 577 of the Statutes of 1971, is amended to read:

14054. For purpose of Section 14005.7 "family person" means an eligible member of a family group consisting of one or more children under the age of 18, the parent, parents, or other adult relative with whom such children are living in the absence of a responsible parent or parents, or a child in foster care.

SEC. 61. Section 19629 of the Welfare and Institutions Code is amended to read:

19629. The department shall:

- (a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.
- (b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter, including the collection of a service charge based on gross sales, which service charge shall not exceed 6 percent thereof from each vending stand operator, and shall be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for additional equipment, for the construction of new vending stands and food service facilities, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries. It is the intent of the Legislature that the expenditure of such service charges as are authorized by this section shall be supplemental to and in augmentation of any current appropriations available for such purposes and shall not constitute an offset or diminution of any such appropriations. A sum equal to 4 percent of the wages paid by an operator to any blind person, as

defined in Section 6905, or any disabled person, as defined in regulations issued by the department, shall be deducted from any service charge paid by the operator, to encourage operators to employ more blind and disabled workers and thereby set an example for industry and government.

There shall be no deduction from any service charge paid by an operator if the operator does not pay wages at least equal to the minimum wages required of employers pursuant to Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States and 18 years of age or over.

The amendments to this section made at the 1969 Regular Session of the Legislature apply only to persons hired by an operator after July 1, 1969.

SEC. 62. Section 1 of Chapter 1748 of the Statutes of 1971 is repealed.

SEC. 63. The amendments to Civil Code made by Sections 11, 12, and 12.5 of this act changing the definition of "minor," for purposes of the California Uniform Gifts to Minors Act, from one who has not attained the age of 21 years to one who has not attained the age of 18 years, shall apply prospectively only. This means that any custodial property held by a custodian prior to the effective date of the amendment referred to above shall be administered as if the definition of "minor" referred to the age of 21 years. Any property transferred to a custodian to be held as custodial property on or after the effective date of the amendments referred to above shall be administered utilizing the new definition of "minor" as a person who has not attained the age of 18 years.

SEC. 64. In the event any other act or acts of the 1972 Regular Session of the Legislature has any effect on any section of any code affected by this act, the provisions of such act or acts, whether chaptered prior or subsequent to this act, shall prevail over the conflicting provisions of this act.

CHAPTER 580

An act to amend Sections 18208, 18210, 18301, and 18502 of, and to add Sections 18203.2, 18203.5, and 18606 to, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18203.2 is added to the Health and Safety Code, to read:

18203.2. "Camping party" is a person or group of not more than 10 persons occupying a campsite or lot for not more than 30 days annually.

SEC. 2. Section 18203.5 is added to the Health and Safety Code, to read:

18203.5. "Campsite" is an area within an incidental camping area occupied by a camping party.

SEC. 3. Section 18208 of the Health and Safety Code is amended to read:

18208. "Incidental camping area" is any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where one or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area.

SEC. 4. Section 18210 of the Health and Safety Code is amended to read:

18210. "Lot" is any area or tract of land or portion of a mobilehome park, travel trailer park, recreational trailer park, temporary trailer park, or tent camp designated or used for the occupancy of one mobilehome, travel trailer, camp car, or camping party.

SEC. 5. Section 18301 of the Health and Safety Code is amended to read:

18301. (a) The provisions of this part applicable to mobilehome parks shall apply equally to travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps except where specifically exempted by regulations adopted by the commission pursuant to this part.

(b) The commission shall adopt regulations for travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps which shall take into consideration such special conditions as location, physical environment, density of usage, type of operation, type of vehicles to be accommodated and duration of occupancy. The commission may vary the requirements for travel trailer parks, recreational trailer parks, temporary trailer

parks, incidental camping areas, and tent camps according to such conditions. Such regulations shall establish requirements which are determined by the commission to be reasonable and necessary for the protection of life and property, and which do not conflict with valid local regulations authorized by Section 18300.

SEC. 6. Section 18502 of the Health and Safety Code is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the commission.

(b) Plan checking fees equal to one-half of the construction, mechanical and electrical permit fees, except that the minimum fee shall be ten dollars (\$10).

(c) Annual operating permit fee of twenty-five dollars (\$25) and an additional one dollar (\$1) per lot or one dollar (\$1) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(d) Change in name fee or transfer of ownership or possession fee, ten dollars (\$10).

(e) Duplicate permit fee or amended permit fee ten dollars (\$10).

SEC. 7. Section 18606 is added to the Health and Safety Code, to read:

18606. Every person who owns or operates an incidental camping area with an attendant on the premises shall keep a register in which shall be entered:

(a) The name and address of the owner or occupant of each recreational vehicle or each person in a camping party.

(b) The make, type and license number of the recreational vehicle and the state in which such recreational vehicle is registered and the year of registration as shown on the license plates attached to it when a recreational vehicle is to be located on a lot.

(c) Dates of occupancy, not to exceed 30 days annually.

CHAPTER 581

An act to amend Section 72.5 of the Harbors and Navigation Code, relating to harbors and navigation.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 72.5 of the Harbors and Navigation Code is amended to read:

72.5. The department, subject to the approval of the Legislature in accordance with Section 85.2, may grant funds to a county, city,

district, or other public agency for the construction and development of small craft launching facilities and shall establish general policies for determining those projects for launching facilities which the department will recommend to the Legislature for grants of Harbors and Watercraft Revolving Fund moneys on the basis of which facilities will serve the public recreational boating needs.

This program is to build launching facilities in areas not normally considered by other state agencies as suitable to provide for conservation, propagation, and utilization of the fish and game resources of the state.

The department shall submit any project for which it recommends any grant be made to the Governor for inclusion in the Budget Bill.

CHAPTER 582

An act to amend Section 75033 of the Government Code, relating to judges' retirement.

[Approved by Governor August 8, 1972. Filed with
Secretary of State August 8, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 75033 of the Government Code is amended to read:

75033. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected or appointed as such, is discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, he shall have the right to elect in writing filed with the State Controller within ninety (90) days thereafter, and without right of revocation, whether to allow his accumulated contributions to remain in the fund. A judge who after the effective date of the 1972 amendments to this section leaves his office to accept any lucrative office under the United States within the purview of Section 28, Article IV, of the Constitution shall not be eligible for deferred retirement under this section. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A judge who so elects to allow his accumulated contributions to remain in the fund shall, upon his application therefor to the State Controller after attaining age 65, be retired, and receive a retirement allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years and fractions of

years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

CHAPTER 583

An act to amend Section 31641.4 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.4 of the Government Code is amended to read:

31641.4. A member shall receive credit for employment in public service only for such service as he is not entitled to receive a pension or retirement allowance from such public agency. The service for which he elects to contribute and the fact that no pension or retirement allowance will accrue to such member by virtue of his employment in such public agency must be certified to by an officer of the public agency where he rendered such public service or must be established to the satisfaction of the board.

Notwithstanding any other provision of law, a safety member who receives credit for prior employment in public service, the principal duties of which consisted of active law enforcement or active fire suppression, shall have his pension or retirement allowance for such service calculated on the same basis as the calculation of the retirement allowance such member would receive as a safety member under Section 31664.

CHAPTER 584

An act to add Sections 5136.5 and 5136.6 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5136.5 is added to the Revenue and Taxation Code, to read:

5136.5. (a) Notwithstanding the fact that all taxes on property have not been paid in full, the owner of such property may bring an action under Section 5138 at any time within six months after the

payment under protest of the first installment under an installment plan of redemption pursuant to Article 2 (commencing with Section 4216) of Chapter 3 of Part 7 of this division, if the following requirements are satisfied:

(1) The first installment payment is made within six months of the delinquency of the taxes being paid by installments.

(2) If the balance of the unpaid tax liability remaining after the first installment payment has been made, plus penalties and interest thereon to the date of filing the actions, exceeds $66\frac{2}{3}$ percent of the full cash value of the property on which the taxes are a lien, as of the last equalized assessment roll, the taxpayer shall post a bond with the county tax collector in a sum equal to such excess or, in the alternative, pledge other property with the county tax collector in such amount as security. The requirement for a bond or additional security specified in this paragraph shall terminate when the balance of unpaid tax liability remaining after a subsequent installment payment, plus penalties and interest thereon to the date of such subsequent installment payment, no longer exceeds $66\frac{2}{3}$ percent of the full cash value of the property on which the taxes are a lien, as of the last equalized assessment roll. However, a new bond shall be posted or property pledged if, during the pendency of the action, the balance of unpaid tax liability, plus penalties and interest thereon, again exceeds $66\frac{2}{3}$ percent of such full cash value.

(b) The right to maintain an action under this section shall terminate if there is a default of any obligation by the owner in the installment plan of redemption on the property.

(c) If the owner does not recover the amount of taxes in dispute in an action brought under this section, he shall pay additional interest to the county or city equal to the difference between the interest he has paid under Article 2 (commencing with Section 4216) of Chapter 3 of Part 7 of this division and the amount of interest the county or city would have earned on the funds in the impound account on the entire amount of tax determined by the court to be due, if such amount had been paid in equal installments on the tax delinquency dates.

SEC. 2. Section 5136.6 is added to the Revenue and Taxation Code, to read:

5136.6. In all proceedings brought to recover taxes pursuant to Section 5138, whether or not such proceedings are brought by an installment taxpayer under an installment plan of redemption pursuant to Article 2 (commencing with Section 4216) of Chapter 3 of Part 7 of this division or pursuant to Section 5136.5, all courts wherein such actions are or hereafter may be pending shall give such actions precedence over all other civil actions therein, except actions to which special precedence is given by law, in the matter of setting same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

SEC. 3. Notwithstanding the provisions of subdivision (a) of Section 5136.5 of the Revenue and Taxation Code, with respect to

property taxes delinquent on the effective date of this act, the provisions of such section and Section 5136.6 shall apply only if an installment plan of redemption pursuant to Article 2 (commencing with Section 4216) of Chapter 3 of Part 7 of Division 1 of such code existed on the effective date of this act, a timely application had been filed for a reduction of the assessment on which the taxes are being paid in installments, and an action to recover taxes paid under protest is commenced not later than six months after such effective date. This section is not intended to extend the time for filing an application for reduction of assessments pursuant to Sections 1607 and 1760 of such code.

CHAPTER 585

An act to amend Section 11802 of the Vehicle Code, relating to vehicle salesmen.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.
2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding and unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the

department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code.

7. The applicant or licensee has committed any of those acts prohibited by Section 11806 of this article.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

10. The applicant or licensee has knowingly purchased, sold or otherwise acquired or disposed of a stolen motor vehicle.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. If the department determines to its satisfaction that the temporary permit was issued upon a fraudulent application, the department may cancel the temporary permit and such cancellation shall be effective immediately. If the department determines that the information in the application is correct, such temporary permit shall be invalid when the applicant's license has been issued or refused unless within five days of receipt of a notice of refusal and statement of issues the applicant demands a hearing pursuant to subdivision (b) of Section 11803. The filing of a demand for a hearing shall stay the effective date of the invalidation of the temporary permit pending a hearing and a determination of the issues. The notice of refusal shall be made effective not less than five days after its receipt by the applicant.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 2. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle

salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.
2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code.

7. The applicant or licensee has committed any of those acts prohibited by Section 11806 of this article.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

10. The applicant or licensee has knowingly purchased, sold or otherwise acquired or disposed of a stolen motor vehicle.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. If the department determines to its satisfaction that the temporary permit was issued upon a fraudulent application, the department may cancel the temporary permit and such cancellation shall be effective immediately. The department may also cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary

permit was issued in error and such cancellation shall be effective immediately. If however, the department determines that the information in the application is correct and complete, such temporary permit shall be invalid when the applicant's license has been issued or refused unless within five days of receipt of a notice of refusal and statement of issues the applicant demands a hearing pursuant to subdivision (b) of Section 11803. The filing of a demand for a hearing shall stay the effective date of the invalidation of the temporary permit pending a hearing and a determination of the issues. The notice of refusal shall be made effective not less than five days after its receipt by the applicant.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 888 are both chaptered and amend Section 11802 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 888, that the amendments to Section 11802 proposed by both bills be given effect and incorporated in Section 11802 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 888 are both chaptered, both amend Section 11802, and Senate Bill No. 888 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 586

An act to amend Sections 3101, 3107, and 4112 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3101 of the Revenue and Taxation Code is amended to read:

3101. If any tax, interest, or penalty imposed under this part is not paid by the last day of the month succeeding the delinquency date, the official collecting taxes on the unsecured roll may file, no sooner

than 10 days after the mailing of the notice required in subdivision (b), in the office of the county clerk, without fee, a certificate specifying as follows:

(a) The fact that a notice of intent to file said certificate had been sent, by registered mail, to the assessee, at his last known address, not less than 10 days prior to the date of the certificate.

(b) The fact that the notice required in subdivision (a) set forth the following information:

(1) The name of the assessee.

(2) The description of the property assessed.

(3) The assessed value of the property.

(4) The fact that judgment will be sought in the amount of the tax, penalty, or interest that will remain unpaid at the time of the filing of the certificate.

(5) The fact that, upon the issuance and recordation of such judgment, additional penalties will continue to accrue at the rate prescribed by law.

(6) The fact that a recording fee of six dollars (\$6) will be required to be paid for the purpose of the recordation of any release of the judgment lien.

(c) The name of the assessee.

(d) The amount for which judgment is to be entered.

(e) The fact that the county has complied with all provisions of this part in the computation and the levy of the tax, penalty, or interest.

(f) The fact that a request is therein made for the issuance and entry of judgment against the assessee.

SEC. 2. Section 3107 of the Revenue and Taxation Code is amended to read:

3107. (a) The judgment is satisfied and the lien removed when, but not before, the judgment amount, any additional penalty authorized by this part, and a recording fee of six dollars (\$6) for each release of lien issued for each county in which a judgment was recorded are paid. The recording fee shall be transmitted to the county recorder together with a certificate of release or discharge from the judgment lien.

(b) The judgment is also satisfied and the lien removed when, but not before the tax is legally canceled and a release or discharge from the judgment lien is recorded in the office of the county recorder. A recording under this subdivision shall be made without fee.

SEC. 3. Section 4112 of the Revenue and Taxation Code, as amended by Chapter 1130 of the Statutes of 1968, is amended to read:

4112. On redemption, the deed becomes null and any interest acquired by virtue of the sale to the state ceases.

A certificate of redemption which is issued on tax-deeded property shall be the authorization for the recording of a release of equity, or quitclaim, of the property redeemed which had been previously deeded to the state. Such release shall be executed and recorded by the redemption officer for and on behalf of the state, and shall be in

the form prescribed by the State Controller. The release shall be acknowledged by the county clerk, without charge, and shall be recorded with the county recorder for the recording fee of six dollars (\$6). The redemption officer shall collect the recording fee as part of the redemption charge and transmit it to the county recorder.

SEC. 4. Section 4112 of the Revenue and Taxation Code, as amended by Chapter 1177 of the Statutes of 1971, is amended to read:

4112. On redemption, the deed becomes null and any interest acquired by virtue of the sale to the state ceases.

A certificate of redemption which is issued on tax-deeded property shall be the authorization for the recording of a release of equity, or quitclaim, of the property redeemed which had been previously deeded to the state. Such release shall be executed and recorded by the tax collector for and on behalf of the state, and shall be in the form prescribed by the State Controller. The release shall be acknowledged by the county clerk, without charge, and shall be recorded with the county recorder for the recording fee of six dollars (\$6). The tax collector shall collect the recording fee as part of the redemption charge and transmit it to the county recorder.

SEC. 5. Section 3 of this act shall become operative on the effective date of this act and shall remain in full force and effect until January 1, 1974, on which date such section is repealed. Section 4 of this act shall become operative on January 1, 1974.

CHAPTER 587

An act to amend Section 4440 of the Agricultural Code, relating to fairs.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4440 of the Agricultural Code is amended to read:

4440. No apportionment shall be made for more than one fair in any one year in any county or district. The fair may be operated in one or more seasonal divisions with the approval of the department. The department may approve such method of operation if it finds that savings will accrue from not providing additional facilities or that an increase in revenue will result or both.

CHAPTER 588

An act to amend Section 69595 of the Government Code, relating to courts.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 29 judges of the superior court.

CHAPTER 589

An act to add Section 13582.2 to the Education Code, relating to classified employees.

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13582.2 is added to the Education Code, to read:

13582.2. No school district may adopt or maintain any rule or regulation which requires a candidate for a position in the classified service to be a resident of the district or to become a resident of the district, or which requires that an employee maintain residency within the district; nor may a district grant preferential points or other preferential treatment to those candidates or employees who are residents of the district. This section shall not apply to restricted positions as provided for in Sections 13581.2 and 13581.5.

The Legislature in enacting this section recognizes that the public school system of this state is the property of all its citizens, and that all qualified candidates for positions in the classified service, regardless of residence, should be granted the opportunity to compete for and obtain such positions based solely on merit and fitness.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 590

An act relating to the maintenance of the various codes, as follows:

Business and Professions Code:

By amending Section 10238.1

By amending Sections 11025, 11028, and 11029, as added by Chapter 1399 of the Statutes of 1971

Code of Civil Procedure:

By amending Section 1241.7 as amended by Chapter 1524 of the Statutes of 1971

Education Code:

By amending Sections 6482, 22601, and 27133

By amending Section 13583.1 as added by Chapter 317 of the Statutes of 1971

By adding a heading immediately preceding Section 24754 in Chapter 13 of Division 18

By amending and renumbering Section 25428 as added by Chapter 1509 of the Statutes of 1971

By amending and renumbering the heading of Article 3 (commencing with Section 25428) of Chapter 1 of Division 18.5 as added by Chapter 902 of the Statutes of 1971

By repealing Article 3 (commencing with Section 25429) of Chapter 1 of Division 18.5 as added by Chapter 468 of the Statutes of 1970

By repealing Sections 27131.5 and 27133.5

Financial Code:

By amending Section 8805 as amended by Chapter 258 of the Statutes of 1971

By amending Section 11706 as added by Chapter 914 of the Statutes of 1971

Fish and Game Code:

By amending Section 222

Government Code:

By amending the heading of Chapter 8 (commencing with Section 3100) of Division 4 of Title 1

By amending Sections 11552, 11556, 16391.1, 16395, 20100.1, 20102.1, and 31882

By amending and renumbering Section 21264.1 as added by Chapter 719 of the Statutes of 1970

By amending the heading of Article 1.1 (commencing with Section 26620) of Chapter 2 of Part 3 of Division 2 of Title 3

Insurance Code:

By amending Sections 800 and 10270.2

By amending and renumbering Section 10122 as added by Chapter 419 of the Statutes of 1971

Labor Code:

By amending the heading of Part 6 (commencing with Section 1682) of Division 2

Vehicle Code:

By amending and renumbering Section 1104 as amended by Chapter 1748 of the Statutes of 1971

Water Code:

By amending Section 20981

[Approved by Governor August 8, 1972. Filed with Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10238.1 of the Business and Professions Code is amended to read:

10238.1. (a) Every real property securities dealer shall file with the commissioner, annually, a report containing financial statements in accordance with generally accepted accounting principles, accompanied by an opinion thereon by a certified public accountant or a public accountant, based upon an audit of the dealer's business subject to this article which is not materially restricted in scope. The report shall include, but not be limited to the receipt and disposition of all funds handled in connection with transactions subject to this article. The report shall be filed with the commissioner within sixty (60) days after the close of the period of the report unless, for good cause shown, the commissioner, in writing, extends the time therefor. The report shall contain at least the following:

1. Total number of sales, as principal or agent, subject to this article during the period, and
2. Total dollar volume of such sales.

(b) The commissioner may, by rule or regulation adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code, require such additional information as he deems necessary.

(c) In the event that a real property securities dealer fails to file a report pursuant to this section the commissioner may cause an audit to be made and shall charge and collect the cost of the audit from the dealer.

SEC. 2. Section 11025 of the Business and Professions Code as added by Chapter 1399 of the Statutes of 1971 is amended to read:

11025. In addition to the other grounds for denial of a public report as set forth in this chapter, the commissioner shall not issue

a public report on any land project within the purview of Section 11000.5, as modified by Section 11000.6, unless he makes a specific finding that:

(1) The total complex of existing or proposed improvements reflected in the subdivision offering (including storm sewers, sanitary sewers, water systems, roads, utilities, community facilities, recreational amenities) will be adequate to serve the projected population of the entire land project.

(2) The arrangements that have been made to assure completion, maintenance and financing of the total complex of existing or proposed improvements referred to in paragraph (1) are reasonable. In determining the reasonableness of such arrangements, the commissioner shall consider whether the probable continuing financial burden with respect to the financing of completion and maintenance of improvements within the subdivision bears a reasonable relationship to the value of the lots therein.

(3) The offsite and onsite measures, including the overall design of the entire land project, are adequate to prevent damage to property by reason of flooding, erosion and other natural occurrences which are usual or predictable for the area.

(4) The method of financing the purchase of individual parcels or lots, including the effect of balloon payments, is reasonable.

(5) The existing zoning, or any change in zoning that has been proposed to the local governing body, is compatible with the proposed use of the lots within the land project.

(6) The use, or zoning, of adjacent properties is compatible with the proposed land project.

This section shall not be applicable to subdivisions on which final public reports were issued prior to January 2, 1970.

SEC. 3. Section 11028 of the Business and Professions Code as added by Chapter 1399 of the Statutes of 1971 is amended to read:

11028. Any contract or agreement to purchase or lease a lot or parcel in a land project within the purview of Section 11000.5, as modified by Section 11000.6, may be rescinded by the purchaser without cause of any kind by sending or delivering written notice of rescission by midnight of the 14th calendar day following the day on which the purchaser or prospective purchaser has executed such contract or agreement. The subdivider shall clearly and conspicuously disclose, in accordance with regulations adopted by the commissioner, the right to rescind provided for in this section and shall provide, in accordance with regulations adopted by the commissioner, an adequate opportunity to exercise the right to rescission provided for herein within the time limit set forth above. Any certificate signed by the purchaser or lessee which sets forth a *brief description of the property sold or leased and a statement that the purchaser or lessee has not exercised the right of rescission as provided for in this section within the time limit above set forth* shall be conclusive evidence of its contents in favor of any third party acting in good faith and in reliance thereon. The remedy granted

under this section shall not be cumulative with any remedy granted and exercised under the Interstate Land Sales Full Disclosure Act (15 U.S.C., Sec. 1701, et seq.) or any other federal act pursuant to which the purchaser or party contracting with respect to a lot in a land project may have a right of rescission.

This section shall not be applicable to conveyances of or contracts for the purchase and sale of lots, which conveyances were made or which contracts were executed prior to November 10, 1969.

SEC. 4. Section 11029 of the Business and Professions Code as added by Chapter 1399 of the Statutes of 1971 is amended to read:

11029. Each subdivider of a land project or his successor in interest shall submit reports on or before the 10th day of each calendar quarter listing the names and addresses of all persons who had agreed to purchase a lot or parcel in the subdivision and who subsequently had withdrawn or attempted to withdraw from the agreement either by formal notification to the subdivider, by failure to make payments for a period of 90 days or more after the due date thereof, by claim of rescission or otherwise. The obligation to make such reports shall terminate on the earliest to occur of the following events:

(a) Thirteen months after execution of conveyances or contracts for the purchase and sale of 90 percent of the lots within the subdivision.

(b) Three years after the issuance of the public report with respect thereto.

The commissioner may, however, adopt reasonable regulations to carry out the provisions of this chapter, for extension of the obligation to make such reports where the requirements to do so would otherwise expire pursuant to subdivision (b) above.

This section shall not be applicable to conveyances of or contracts for the purchase and sale of lots, which conveyances were made or which contracts were executed prior to November 10, 1969.

SEC. 5. Section 1241.7 of the Code of Civil Procedure as amended by Chapter 1524 of the Statutes of 1971 is amended to read:

1241.7. (a) Except as provided in subdivision (b), notwithstanding any other provision of law to the contrary, the fact that property is appropriated for public use as a state, regional, county, or city park or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, establishes a rebuttable presumption of its having been appropriated for the best and most necessary public use. The presumption established by this section is a presumption affecting the burden of proof.

(b) When property appropriated for a public use as a state, regional, county, or city park or recreation area, or wildlife or

waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, is sought to be acquired for state highway purposes, or for public utility route or structure purposes, and such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve was dedicated to or established for park or recreational purposes, or as a wildlife or waterfowl management area, or as an historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, prior to the initiation of highway route location studies, or public utility route or structure location studies, an action for declaratory relief may be brought only by the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after publication by the California Highway Commission or the public utility in a newspaper of general circulation pursuant to Section 6061 of the Government Code, and delivery of a written notice to the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve by the California Highway Commission or public utility that a proposed route or site or an adopted route or site includes park land or recreational area, or a wildlife or waterfowl management area, or an historic site, or an ecological reserve owned by that agency. In such declaratory relief action, the resolution of the California Highway Commission shall not be conclusive evidence of the matters set forth in Section 103 of the Streets and Highways Code. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action, with respect to such property being sought for highway purposes, or for public utility route or structure purposes, may not be brought pursuant to this subdivision, the provisions of subdivision (a) of this section shall not apply.

SEC. 6. Section 6482 of the Education Code is amended to read:
6482. The Director of Compensatory Education, acting pursuant to rules and regulations adopted by the State Board of Education, upon the advice of the Directors of the Departments of Finance,

Social Welfare, Human Resources Development, and Industrial Relations, shall designate the most concentrated areas of poverty and social tension in the state, taking into consideration such factors, among others, as the high incidence of poverty and low family and per capita incomes, unemployment, juvenile delinquency, persons receiving assistance under the program of Aid to Families with Dependent Children, and especially the low level of academic achievement by pupils in the public schools.

The Director of Compensatory Education shall allocate the funds available for programs under Section 6481 proportionately by public school population among the areas designated by him. He shall then approve projects proposed to be undertaken by school districts within such areas at particular schools with the highest concentrations of low-income children and with the lowest records of academic achievement. Funds not fully utilized in one designated area may be reallocated to the other designated areas. Upon the request of a school district, the director of compensatory education may authorize funds to be used outside the designated areas to serve children from the designated areas.

SEC. 7. Section 13583.1 of the Education Code as added by Chapter 317 of the Statutes of 1971 is amended to read:

13583.1. Notwithstanding the provisions of Section 13583, the governing board may lay off and reemploy classified employees only in accordance with procedures provided by Sections 13737 and 13746, except the term "personnel commission" therein shall be construed to mean the governing board. "Governing board" as used in this section shall include districts governed by a common board or by different boards but with a common administration. Employees in common board or common administration districts shall, for the purpose of layoff for lack of work or funds, be considered as having been employed in a single district.

SEC. 8. Section 22601 of the Education Code is amended to read:

22601. The board shall be composed of the following four ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, and the person named by the trustees to serve as the Chancellor of the California State Colleges; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the Senate. The Speaker of the Assembly shall be an ex officio member, having equal rights and duties with the nonlegislative members.

SEC. 9. A heading is added immediately preceding Section 24754 in Chapter 13, Division 18 of the Education Code, to read:

Article 3. San Francisco State College Downtown Center

SEC. 10. Section 25428 as added to the Education Code by Chapter 1509 of the Statutes of 1971 is amended and renumbered to read:

25424.5. The governing board of any district maintaining a community college may authorize faculty members and students of that college to participate in cocurricular activities conducted within or without the state held in conjunction with the educational program of the college. The governing board may authorize payment of travel and other necessary expenses of participants in these activities pursuant to rules and regulations adopted by the governing board. These payments shall be a proper charge against district funds.

As used in this section, "cocurricular activities" means those activities and events which are designed to complement the academic program of the community college and which meet all the following criteria:

- (a) The activity or event is approved by the governing board.
- (b) Students of the community college are participating in the activity or event.
- (c) The activity or event is supported in part from nondistrict funds.
- (d) The activity or event is an extension of classroom instruction or related community college programs.

SEC. 11. The heading of Article 3 (commencing with Section 25428) of Chapter 1, Division 18.5 of the Education Code as added by Chapter 902 of the Statutes of 1971 is amended and renumbered to read:

Article 2.5. Community Participation

SEC. 12. Article 3 (commencing with Section 25429) of Chapter 1, Division 18.5 of the Education Code as added by Chapter 468 of the Statutes of 1970 is repealed. The repeal made by this section shall not affect the existence or validity of Article 3 (commencing with Section 25429) of Chapter 1, Division 18.5 of the Education Code as added by Chapter 1592 of the Statutes of 1970.

SEC. 13. Section 27131.5 of the Education Code is repealed.

SEC. 14. Section 27133 of the Education Code is amended to read:
27133. An establishment grant for a system shall not exceed 25 percent of the total operating expenditures for the library or each of the libraries within that system, excluding capital expenditures, for the last completed fiscal year, except where there were no expenditures for the library for the last completed fiscal year, in which case the establishment grant for the system shall be the maximum provided for in Section 27144.

SEC. 15. Section 27133.5 of the Education Code is repealed.

SEC. 16. Section 8805 of the Financial Code as amended by Chapter 258 of the Statutes of 1971 is amended to read:

8805. For every examination made outside this state, a reasonable fee and the actual traveling expenses incurred shall be paid by the association so examined. The result of any similar examination made and certified by the duly constituted authorities of any state having

similar laws of supervision may be accepted by the commissioner in his discretion.

SEC. 17. Section 11706 of the Financial Code as added by Chapter 914 of the Statutes of 1971 is amended to read:

11706. (a) It is unlawful for any acquiring party to acquire control of a savings and loan association or savings and loan holding company or to acquire all the assets, or substantially all the assets, of a savings and loan holding company by the process of merger, consolidation or purchase of assets of such savings and loan holding company until 30 days after the date of filing with the commissioner of an application containing all or part of the following information and any additional information that the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of savings account holders, borrowers or stockholders:

(1) The identity, character and experience of each acquiring party by whom or on whose behalf acquisition is to be made.

(2) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition.

(3) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made.

(4) The source and amount of the funds or other consideration used or to be used in making the acquisition, and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties. However, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the commissioner shall not disclose the name of the lender to the public.

(5) Any plans or proposals which any acquiring party making the acquisition may have to liquidate such savings and loan association or savings and loan holding company, to sell its assets or merge it with any company or to make any other major changes in its business or corporate structure or management.

(6) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer or arrangements for compensation.

(7) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(b) When an unincorporated company is required to file the statements under paragraphs (1), (2) and (6) of subdivision (a), the commissioner may require that the information be given with respect to each partner of a partnership or limited partnership; by each member of a syndicate or group; and by each person who controls a partner or member. When an incorporated company is required to file the statements under paragraphs (1), (2) and (6) of

subdivision (a), the commissioner may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of 25 percent or more of the outstanding voting securities of the corporation.

(c) If any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Federal Securities Act of 1933, as amended, or in circumstances requiring the disclosure of similar information under the Federal Securities Exchange Act of 1934, as amended, or in an application filed with the Federal Home Loan Bank Board requiring similar disclosure, such registration statement or application may be filed with the commissioner in lieu of the requirements of this section.

SEC. 18. Section 222 of the Fish and Game Code is amended to read:

222. A copy of the booklet published pursuant to Section 217 may be given by the issuer of the license to every license purchaser at the time he purchases his license. It shall be the booklet containing the latest regulations so printed applicable to the activity authorized by the license being purchased.

Such booklet shall contain in the front portion the following:

COMMISSION

The Fish and Game Commission, composed of five members, appointed by the Governor, subject to confirmation by the Senate, for a six-year term has been a constitutional body since 1940. It possesses such powers as are delegated to it by the Legislature. In general, the Legislature has granted the commission the power to regulate the taking or possession of birds (both resident and migratory), mammals (including deer, bear, elk, antelope, rabbits and squirrels), fish, amphibians (frogs) and reptiles, except for commercial purposes. These powers have been delegated for specific intervals by the Legislature. Other regulatory powers pertaining to less significant fish and game matters have been granted on an unrestricted basis. One of the major responsibilities of the commission is to hold public meetings to hear and consider the recommendations of interested citizens and groups before setting fish and game regulations.

As stipulated by the Fish and Game Code, general policies for conduct of the department are formulated by the Fish and Game Commission and the Director of the Department of Fish and Game is responsible to the commission for administration of the department in accordance with the policies thus established. Moreover, both the Wildlife Conservation Board and the Marine Research Committee indirectly set policies for the department since both agencies are empowered by the code to request and direct the department to take certain actions. Notwithstanding that the

department is subject by law to certain decisions of the commission, the Wildlife Conservation Board and the Marine Research Committee, the Director of the Department of Fish and Game is responsible to the Governor.

WILDLIFE BOARD

The Wildlife Conservation Board was established by the Wildlife Conservation Act of 1947. It consists of the President of the Fish and Game Commission, the Director of the Department of Fish and Game and the Director of Finance. Additionally, three Members of the Senate and three Members of the Assembly meet with the board and participate in its activities. The primary responsibilities of the board consist of selecting and authorizing the acquisition of land and property suitable for recreation purposes and the preservation, protection and restoration of wildlife. The board is empowered to authorize construction of facilities on property it has acquired, consistent with the purpose for which the property was purchased. The acquisition and construction program of the board is financed out of the Wildlife Restoration Fund for which, in 1955, the Legislature established a continuing annual appropriation of \$750,000 from the state's share of parimutuel revenues derived from wagers on horseracing.

MARINE RESEARCH COMMITTEE

The Marine Research Committee which was established by the Legislature in 1947, is made up of nine members, five representing commercial fish interests, at least one member representing organized sportsmen's groups and at least one representing organized labor. The membership is appointed by the Governor for four-year terms. The committee is empowered to employ personnel or contract for research in the development of commercial fisheries of the Pacific Ocean and financial support for the committee is derived from a special privilege tax on fish dealers and fish packers.

DEPARTMENT

The Department of Fish and Game is charged with the administration and enforcement of the Fish and Game Code. It is organized as a headquarters staff in Sacramento, five regional managers, each responsible for Fish and Game operations in his portion of the state, and the marine resources operations located at Terminal Island in Los Angeles County. General policies for the conduct of the department are formulated by the Fish and Game Commission and the director is responsible to the commission for administration of the department in accordance with such policies. The Director of the Department is the appointing power of all employees within the department and they are responsible to him

for the proper carrying out of the duties and responsibilities of their respective positions.

Support of the Department of Fish and Game comes from the Fish and Game Preservation Fund, which derives its revenue from the sale of hunting and fishing licenses, court fines and commercial fishing taxes. Generally speaking, one-half of the fines and forfeitures collected as a result of violations of the Fish and Game Code are deposited in the Fish and Game Preservation Fund and the other one-half goes to the county in which the offense was committed. The moneys going to the county must be deposited in the County Fish and Game Propagation Fund and expended for the propagation and conservation of fish or game within the county under the direction of the board of supervisors.

There are also grants of federal funds for fisheries projects under the so-called Dingell-Johnson Act and for wildlife projects under the so-called Pittman-Robertson Act, allocated to the states from taxes on sporting articles, in ratio to the number of licensed hunters and fishermen and the area involved.

LEGISLATIVE COMMITTEES ON FISH AND GAME

The Assembly Committee on Natural Resources and Conservation, and the Senate Committee on Natural Resources and Wildlife are empowered to investigate fish and game problems, hold hearings so that interested citizens may publicly express their views, make recommendations and introduce bills pertaining to fish and game for consideration by the Legislature as a whole.

These committees have no administrative powers, no power to establish regulations and no authority to require any state agency to perform any service or function. More specifically, they cannot direct the Fish and Game Commission to establish any regulations or set any season dates. Nor can they require the State Department of Fish and Game to perform any service other than to furnish the committees with data or information required in their deliberations.

SEC. 19. The heading of Chapter 8 (commencing with Section 3100) of Division 4, Title 1 of the Government Code is amended to read:

CHAPTER 8. OATH OR AFFIRMATION OF ALLEGIANCE FOR DISASTER SERVICE WORKERS AND PUBLIC EMPLOYEES

SEC. 20. Section 11552 of the Government Code is amended to read:

11552. An annual salary of thirty thousand dollars (\$30,000) shall be paid to each of the following:

- (a) Superintendent of Banks
- (b) Commissioner of Corporations
- (c) Director of the Department of Human Resources Development

- (d) Insurance Commissioner
- (e) Director of Public Works
- (f) Real Estate Commissioner
- (g) Savings and Loan Commissioner
- (h) Director of Social Welfare
- (i) Director of Water Resources
- (j) Director of Agriculture
- (k) Director of Corrections
- (l) Director of General Services
- (m) Director of Industrial Relations
- (n) Director of Motor Vehicles
- (o) Director of Youth Authority
- (p) Director of Health Care Services
- (q) Commissioner, California Highway Patrol
- (r) Members of the Public Utilities Commission
- (s) Director of Alcoholic Beverage Control.

SEC. 21. Section 11556 of the Government Code is amended to read:

11556. An annual salary of twenty-five thousand dollars (\$25,000) shall be paid to each of the following:

- (a) Director of Navigation and Ocean Development
- (b) Director, Office of Emergency Services
- (c) Director, Department of Housing and Community Development
- (d) Members of the Adult Authority
- (e) Members of the Board of Equalization
- (f) Members of the State Water Resources Control Board
- (g) Members of the Youth Authority Board
- (h) State Fire Marshal
- (i) Deputy Director of the Department of Human Resources Development

SEC. 22. Section 16391.1 of the Government Code is amended to read:

16391.1. The Controller may transfer to the State Pay Roll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Pay Roll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 23. Section 16395 of the Government Code is amended to read:

16395. For the purpose of determining the fund or funds from which the state's contributions to the Public Employees' Retirement Fund under Chapter 6 of Part 3 of Division 5 of Title 2 of this code and the contributions required of an employer under Chapter 3 of Part 3.5 of Division 5 of Title 2 of this code shall be paid, any

compensation paid to state officers and employees from the State Pay Roll Revolving Fund shall be deemed to have been paid from the fund or funds from which the money disbursed from the State Pay Roll Revolving Fund in payment of such compensation was originally derived.

SEC. 24. Section 20100.1 of the Government Code is amended to read:

20100.1. The members of the board of administration appointed by the Governor pursuant to subdivision (c) of Section 20100 shall receive twenty-five dollars (\$25) for every day of actual attendance at meetings of the board, together with their necessary traveling expenses incurred in connection with the performance of their official duties.

SEC. 25. Section 20102.1 of the Government Code is amended to read:

20102.1. Notwithstanding any other provision of this part, any member of the system who has retired shall be entitled to vote and be elected to the board under subdivision (d) of Section 20100 in the same manner as he was entitled to vote and be elected to office at the date of his retirement. Ballots shall be distributed to such retired persons and canvassed as provided for in Section 20102.

SEC. 26. Section 21264.1 of the Government Code as added by Chapter 719 of the Statutes of 1970 is amended and renumbered to read:

21264.2. A contracting agency may elect to make local safety members who are firemen or local safety members who are policemen, or both, subject to the provisions of Section 21264 by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among employees is not required, or by express provision of a contract entered into after the date this section takes effect.

SEC. 27. The heading of Article 1.1 (commencing with Section 26620) of Chapter 2, Part 3, Division 2, Title 3 of the Government Code is amended to read:

Article 1.1. Sheriff as Ex Officio Director of Emergency Services

SEC. 28. Section 31882 of the Government Code is amended to read:

31882. "Board," as used in this article, means the Board of Administration of the Public Employees' Retirement System.

SEC. 29. Section 800 of the Insurance Code is amended to read:

800. This article shall not apply to:

(a) Insurers made exempt therefrom by other provisions of this code.

(b) Insurance upon the interests of common carriers engaged in interstate trade, or upon property in their custody.

(c) Insurance contracts executed without this state, but which during the term thereof temporarily cover subject matter within this state.

(d) Bid bonds issued by any admitted insurer in connection with any public or private contract.

SEC. 30. Section 10122 of the Insurance Code, as added by Chapter 419 of the Statutes of 1971, is amended and renumbered to read:

10124. (a) A self-insured employee welfare benefit plan delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of an employee shall terminate upon attainment of the limiting age for dependent children specified in the policy or contract, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the employee for support and maintenance, provided proof of such incapacity and dependency is furnished to the employer or employee organization providing the plan or program of benefits by the employee within 31 days of the child's attainment of the limiting age and subsequently as may be required by such employer or employee organization, but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

(b) As used in this section, "self-insured employee welfare benefit plan" means any plan or program of benefits provided by an employer or an employee organization, or both, for the purpose of providing hospital, medical, surgical, nursing, or dental services, or indemnification for the costs incurred for such services, to such employer's employees or their dependents.

SEC. 31. Section 10270.2 of the Insurance Code is amended to read:

10270.2. Blanket insurance is that form of insurance providing coverage for specified circumstances and insuring by description all or nearly all persons within a class of persons defined in a policy issued to a master policyholder, and not by specifically naming the persons covered (by certificate or otherwise, although a statement of the coverage provided may be given, or required by the policy to be given to persons eligible). The permitted types of blanket insurance are those where the blanket policy is issued to any of the following:

(a) A volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) A college, school, or other institution of learning, a school district or districts or school jurisdictional unit, or to the head, principal, or governing board of any such educational unit who or which shall be deemed the policyholder; providing benefits to students without necessarily any restriction as to activity, time, or place, or to teachers or employees while performing actions incident

to special duties, such as at camps, at summer playgrounds, or during tours or excursions; and providing benefits to such students, teachers, or employees, and spouses and dependents of such students, teachers, and employees, for death or dismemberment resulting from accident or for hospital, medical, surgical, drug, or nursing expenses resulting from accident or sickness.

(c) A proprietor or sponsor of an organized camping institution, who shall be deemed the policyholder, providing benefits to campers or persons responsible for their support for death or dismemberment resulting from accident, or for hospital, medical, surgical, or nursing expenses resulting from accident to such campers or arising out of sickness of such campers, provided the accident or the first manifestation of such sickness occurs while such campers are in or on the buildings or premises of the camp institution, or being transported between their homes and the camp institution, or while at any other place as an incident to camp-sponsored activities or while being transported to, from, or between such places.

(d) To a newspaper, farm paper, magazine, or other periodical publication, which shall be deemed the policyholder, providing benefits for independent contractors, such as newsboys, dealers, distributors, wholesalers, or others engaged in the sale, distribution, collecting for, or other activities pertaining to, the marketing and delivery of such publications, including attendance at a coaching school or participation as a member of a trip organized, supervised, and sponsored as a reward for meritorious service, on account of loss resulting from accident or sickness, such benefit to be payable to such independent contractors or to their parents, guardians, or other persons responsible for their support.

When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

(e) Any religious, charitable, recreational, educational, athletic or civic organization, or branch thereof, which shall be deemed the policyholder, providing benefits to members, employees, or participants for death or dismemberment or for hospital, medical, surgical, or nursing expenses all resulting from accident incurred incident to specific hazards pertaining to any activity or activities or operations sponsored or supervised by such policyholder.

(f) To a policy issued on application of an employer, a majority of the employees in this state of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code and the authorized regulations of the Director of the Department of Human Resources Development.

A "blanket policy" is any disability policy of the nature herein described sold to any of the entities described in subdivision (a), (b),

(c), (d), (e), or (f) of this section and providing coverage for any group of persons within permitted categories defined in the policy. Policies referred to in subdivision (f) shall comply with the provisions of this section specifically referring thereto. Policies referred to in subdivision (a), (b), (c), (d), or (e) may provide that the cost of the insurance coverage shall be borne by either the policyholder, or the individuals insured or their parents or guardians, payable through the policyholder. In the absence of a policy provision excluding coverage for otherwise covered individuals who have not individually enrolled with the policyholder and undertaken to pay all or a specified portion of the premium allocable to such individual, such policy shall provide the described insurance for all who fall within the categories of covered individuals defined in the policy. Such policy may, but is not required to, contain provisions requiring a minimum number of participating persons or a minimum percentage of participation before the policy is effective. In the absence of such a provision coverage shall not be denied any individual otherwise eligible on those grounds.

No policies described in subdivision (a), (b), (c), (d), or (e) of this section shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form, and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form, and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (f) shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code and the authorized regulations of the Director of the Department of Human Resources Development.

SEC. 32. The heading to Part 6 (commencing with Section 1682) of Division 2 of the Labor Code is amended to read:

PART 6. LICENSING

SEC. 33. Section 1104 of the Vehicle Code as amended by

Chapter 1748 of the Statutes of 1971 is amended and renumbered to read:

11104. Every person in order to qualify as an instructor for a driving school or as an independent instructor as provided for in Section 11105.5 of this code shall meet the following requirements:

(a) Be of good moral character.

(b) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(c) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.

(d) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(e) Hold a valid California driver's license, and not be on probation to the department as a negligent operator.

(f) Pay to the department an application fee of ten dollars (\$10).

(g) Be 18 years of age or older.

(h) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination, and fee shall be required.

SEC. 34. Section 20981 of the Water Code is amended to read:

20981. Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder in each affected county and sent to the department and to the State Treasurer.

SEC. 35. Any section of any act enacted by the Legislature at its 1972 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 591

An act to amend Section 36516 of, and to add Section 36516.2 to, the Government Code, relating to local government.

[Approved by Governor August 8, 1972. Filed with
Secretary of State August 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 36516 of the Government Code is amended to read:

36516. A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(a) In cities up to and including 35,000 in population, up to and

including one hundred fifty dollars (\$150) per month;

(b) In cities over 35,000 up to and including 50,000 in population, two hundred dollars (\$200) per month;

(c) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars (\$250) per month.

(d) In cities over 75,000 up to and including 150,000 in population, three hundred dollars (\$300) per month.

(e) Cities over 150,000 population up to and including a population of 250,000, four hundred dollars (\$400) per month.

(f) Cities over 250,000 population, five hundred dollars (\$500) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance.

In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance or as provided in Sections 2107, 2107.1 and 2107.2 of the Streets and Highways Code.

Compensation of councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election.

SEC. 2. Section 36516.2 is added to the Government Code, to read:

36516.2. Notwithstanding the limitations contained in Section 36516 with respect to increases or decreases in councilmen's salaries, the compensation of councilmen may be increased beyond the amount provided in Section 36516 by an ordinance or amendment thereto enacted by the city council but the amount of such increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment thereto is enacted; provided that no salary ordinance shall be enacted which provides for automatic future increases in salary.

CHAPTER 592

An act to amend Sections 27516, 27517, 27518, and 27519 of, and to repeal Section 27517.5 of, the Elections Code, relating to elections.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 27516 of the Elections Code is amended to read:

27516. There shall also be printed on the recall ballot the

following question:

"If the recall prevails shall the (name of legislative body) fill the vacancy or vacancies by appointment or call a special election for that purpose?"

Following the question shall be the words "By appointment" and "By special election" on separate lines, with a blank space at the right of each in which the voter shall indicate by stamping a cross (+) his vote for appointment or election.

SEC. 2. Section 27517 of the Elections Code is amended to read:

27517. The governing body of the city shall meet at its usual place of meeting on the first Tuesday after the election to canvass the returns and declare the results as in a regular election. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "no," the recall question has failed and the incumbent shall continue in office. If a majority vote "yes," the recall question has succeeded, and the office shall be deemed vacant.

SEC. 3. Section 27517.5 of the Elections Code is repealed.

SEC. 4. Section 27518 of the Elections Code is amended to read:

27518. If the recall prevails and a majority of those voting on the question of filling the vacancy favor a special election for that purpose, the legislative body shall at its next regular meeting call an election to be held to fill the vacancy not less than 74 nor more than 89 days after the date of the order. If a regular municipal election is to occur not more than 104 nor less than 74 days from the date of canvassing the vote the legislative body may provide for filling the vacancy at such regular municipal election instead of at a special election. If a special election is not favored by a majority of the voters, the legislative body shall at once fill the vacancy by appointment. In either case the person elected or appointed shall hold office for the unexpired term of the former incumbent.

SEC. 5. Section 27519 of the Elections Code is amended to read:

27519. If a majority of the legislative body is recalled at the same election, the members recalled shall retain their offices until their successors are elected and qualified. Immediately after the canvass of votes, the clerk shall call a special election to fill the vacancies arising as a result of the recall election, which special election shall be held within 89 days after the canvass of votes of the election at which they were recalled. The duties of the governing body of the city with respect to the holding of such special election shall be performed by the clerk. The vote of the special election shall be canvassed by the clerk, who shall declare the result. If the clerk has also been recalled, then the board of supervisors shall perform his duties.

CHAPTER 593

An act to amend Section 22836 of, and to add Section 22843 to, the Elections Code, relating to municipal elections.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 22836 of the Elections Code is amended to read:

22836. Candidates may be nominated for any of the elective offices of the city in the manner following:

Not earlier than the 89th day nor later than 12 o'clock noon on the 68th day before a municipal election, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 persons or more, and not less than 5 nor more than 10 voters in a city of less than 1,000 persons, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event he does so, his signature shall count only on the first nomination paper filed which contains his signature. Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

SEC. 2. Section 22843 is added to the Elections Code, to read:

22843. A filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the city council and set by ordinance, but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of such nomination papers.

 CHAPTER 594

An act to amend Section 461 of, and to add Section 460.5 to, the Code of Civil Procedure, relating to defamation.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 460.5 is added to the Code of Civil Procedure, to read:

460.5. (a) In any action for libel or slander, for good cause shown

upon ex parte written application, the court may order that the time to respond to the complaint is 20 days after the service of summons on the defendant. The application shall be supported by an affidavit stating facts showing, among other things, that the alleged defamatory matter has been continuously published and that there is a reasonable likelihood that the publication will continue. The order shall direct the clerk to endorse the summons to show that the time to respond has been shortened pursuant to this section. A copy of the application, affidavit, and order shall be served with the summons.

(b) In any such action, unless otherwise ordered by the court for good cause shown, the time allowed the defendant to respond to the complaint or amend the answer under Section 586 shall not exceed 10 days.

(c) The court shall give any such action precedence over all other civil actions, except actions to which special precedence is given by law, in the matter of the setting the case for hearing or trial, and in hearing the case, to the end that all such actions shall be quickly heard and determined. Except for good cause shown, the court shall not grant a continuance in excess of 10 days without the consent of the adverse party.

(d) For purposes of this section, "continuously published" means three or more publications within 15 days.

SEC. 2. Section 461 of the Code of Civil Procedure is amended to read:

461. In any action within Section 460 or 460.5, the defendant may, in his answer, allege both the truth of the matter charged as defamatory, and any mitigating circumstances, to reduce the amount of damages. Whether he proves the justification or not, he may give in evidence the mitigating circumstances.

CHAPTER 595

An act to add Section 40534 to the Agricultural Code, relating to agricultural products.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 40534 is added to the Agricultural Code, to read:

40534. The director may contract with the United States Department of Agriculture to provide inspection and certification service for eggs and egg products and poultry meat classification pursuant to United States Department of Agriculture standards. The director may also contract with commissioners to perform such

inspection and certification services pursuant to such contracts with the United States Department of Agriculture and for the enforcement of egg and poultry meat classification standards of this state.

CHAPTER 596

An act to amend Section 6498 of the Education Code, relating to special educational programs.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6498 of the Education Code is amended to read:

6498. This article shall have no force or effect after the 91st day following the adjournment of the 1975 Regular Session of the Legislature.

CHAPTER 597

An act to amend Sections 35750, 35751, and 35754 of the Vehicle Code, relating to bridges.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 35750 of the Vehicle Code is amended to read:

35750. (a) The Department of Public Works may, in the manner provided in Section 35751, determine the maximum weight of vehicle and load, lower than the maximum weight otherwise permitted under this code which a bridge or other structure with safety to itself will sustain.

(b) The city council or the board of supervisors of a city or county with a population of 1,100,000 or more, as determined by the 1970 federal decennial census, may, in the manner provided in Section 35751, determine the maximum weight of vehicle and load, lower than the maximum weight otherwise permitted under this code which a bridge or other structure under its jurisdiction with safety to itself will sustain.

SEC. 2. Section 35751 of the Vehicle Code is amended to read:

35751. (a) The Department of Public Works or the city council

or board of supervisors of a city or county with a population of 1,100,000 or more, as determined by the 1970 federal decennial census, as the case may be, shall make an engineering investigation and hold a public hearing whenever such a determination appears necessary.

(b) Notice of the time and place of the hearing shall be posted upon the bridge or other structure at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, the department or the city council or board of supervisors, as the case may be, shall determine by order in writing the maximum weight of vehicle and load which the bridge or other structure with safety to itself will sustain.

(c) With respect to any bridge or other structure not under its jurisdiction, the department shall not proceed under subdivisions (a) and (b) unless it first receives a request to do so from the city council or the board of supervisors having jurisdiction over the bridge or other structure.

SEC. 3. Section 35754 of the Vehicle Code is amended to read:

35754. Whenever, in the opinion of a local authority, a bridge under its jurisdiction is in a dangerous or weak condition, it may temporarily erect suitable signs at all entrances to such bridge specifying the maximum weight which it believes the bridge with safety to itself will sustain. The maximum weight limit so fixed and posted shall remain in effect for not more than 90 days.

CHAPTER 598

An act to amend Section 5901 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5901 of the Vehicle Code is amended to read:

5901. (a) Every dealer upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the fifth calendar day thereafter, not counting the day of sale, give written notice of the transfer to the department at its headquarters upon an appropriate form provided by it.

(b) Except as otherwise provided in this subdivision or in subdivision (c), in the case of a vehicle under 6,001 pounds, manufacturer's maximum gross vehicle weight rating, the dealer shall indicate on the form the actual mileage of the vehicle as indicated by the vehicle's odometer at the time of the transfer. A dealer need not give the notice when selling or transferring a new

unregistered vehicle to another dealer.

(c) When the dealer is not in possession of the vehicle that is sold or transferred, the person in physical possession of such vehicle shall give the information required by subdivision (b).

(d) A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

CHAPTER 599

An act to amend Sections 74901, 74905, 74906, 74907, 74908, and 74912 of the Government Code, relating to courts.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 74901 of the Government Code is amended to read:

74901. There shall be eight judges.

SEC. 2. Section 74905 of the Government Code is amended to read:

74905. (a) There shall be one clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive the monthly compensation specified in range 46.0, set forth in Section 74909. The court executive officer shall not be the same person serving as marshal.

(b) There shall be one assistant clerk of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The assistant clerk shall receive the monthly compensation specified in range 39.5, set forth in Section 74909. In no event shall the assistant clerk receive monthly compensation less than eight and one-half (8½) scheduled ranges above that of the chief deputy municipal court clerk.

SEC. 3. Section 74906 of the Government Code is amended to read:

74906. There shall be one marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall have control and supervisorial responsibility over the personnel within the marshal's office. Fiscal matters pertaining to the marshal's office shall be subject to the review and approval of the court executive officer. The marshal shall receive the monthly compensation specified in range 39.5, set forth in Section 74909. In no event shall the

compensation of the marshal be less than 2½ scheduled ranges higher than that specified for the position of marshal's captain.

SEC. 4. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint:

(a) Four chief deputy municipal court clerks, who shall receive monthly compensation specified in range 31.0, set forth in Section 74909. However, one chief deputy municipal court clerk position shall be filled by the former incumbent chief deputy municipal court clerk II, who shall receive a salary not less than one thousand ninety-six dollars (\$1,096) per month until such time as the salary range of the chief deputy municipal court clerk as herein described reaches said incumbent salary of one thousand ninety-six dollars (\$1,096).

(b) Eight deputy municipal court clerks IV, who shall receive monthly compensation specified in range 26.5, set forth in Section 74909.

(c) Thirteen deputy municipal court clerks III, who shall receive monthly compensation specified in range 24.5, set forth in Section 74909. However, one deputy municipal court clerk III position shall be filled by the former incumbent principal account clerk I.

(d) Twenty deputy municipal court clerks II, who shall receive monthly compensation specified in range 21.5, set forth in Section 74909. However, two deputy municipal court clerk II positions shall be filled by two former incumbent deputy municipal court clerks V, who shall receive a salary not less than eight hundred thirty-eight dollars (\$838) per month until such time as the salary range of the deputy municipal court clerk II as herein described reaches said incumbent salary of eight hundred thirty-eight dollars (\$838).

(e) Eleven deputy municipal court clerks I, who shall receive monthly compensation specified in range 18.5, set forth in Section 74909.

(f) One deputy municipal court legal process clerk, who shall receive monthly compensation specified in range 23.0, set forth in Section 74909.

(g) Three deputy municipal court clerk interpreters, who shall receive monthly compensation specified in range 21.5, set forth in Section 74909.

(h) Two senior secretaries, who shall receive monthly compensation in range 23.0 set forth in Section 74909.

(i) One principal keypunch operator, who shall receive monthly compensation specified in range 20.5, set forth in Section 74909.

(j) One senior keypunch operator, who shall receive monthly compensation specified in range 18.0, set forth in Section 74909.

(k) Two keypunch operators who shall receive the monthly compensation specified in range 17.0, set forth in Section 74909.

SEC. 5. Section 74908 of the Government Code is amended to read:

74908. The marshal of the Ventura County Municipal Court may,

with the concurrence of the court, appoint:

(a) One captain, who shall receive the monthly compensation specified in range 37.0, set forth in Section 74909.

(b) Two lieutenants, who shall receive the monthly compensation specified in range 34.5, set forth in Section 74909. However, one lieutenant position shall be filled by the former incumbent assistant marshal, who shall receive a salary of not less than one thousand two hundred ninety-eight dollars (\$1,298) per month until such time as the salary of the remaining lieutenant as herein described reaches such incumbent salary of one thousand two hundred ninety-eight dollars (\$1,298).

(c) Four sergeants, each of whom shall receive the monthly compensation specified in range 32.5, set forth in Section 74909.

(d) Twenty-one deputy marshals, each of whom shall receive the monthly compensation specified in range 29.0, set forth in Section 74909.

(e) Six senior marshal's process clerks, each of whom shall receive the monthly compensation specified in range 23.0, set forth in Section 74909.

(f) Five marshal's process clerks, each of whom shall receive the monthly compensation specified in range 20.0, set forth in Section 74909.

(g) One senior secretary, who shall receive monthly compensation specified in range 23.0, set forth in Section 74909.

(h) Such deputies who shall be keepers as may be reasonably required pursuant to law at the fee allowed by law for keeping property.

The occupants of positions listed in subdivisions (e) and (f) shall, when required, be assigned to additional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 6. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service. Any salary increases granted or reclassifications made pursuant to this article shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made. Classifications deemed to be equivalent are as follows:

Municipal court classification	County classification
Court executive officer	County clerk-recorder
Chief deputy municipal court clerk	Chief superior court clerk
Deputy municipal court clerk IV	Superior court clerk IV
Deputy municipal court clerk III	Superior court clerk III
Deputy municipal court clerk II	Superior court clerk II
Deputy municipal court clerk I	Superior court clerk I
Deputy municipal court legal process clerk	Legal process clerk
Principal keypunch operator	Principal keypunch operator
Keypunch operator	Keypunch operator
Senior keypunch operator	Senior keypunch operator
Senior secretary	Senior secretary
Municipal court/marshal classification	County classification
Captain	Sheriff's captain
Lieutenant	Sheriff's lieutenant
Sergeant	Sheriff's sergeant
Deputy marshal	Deputy sheriff
Senior secretary	Senior secretary
Senior marshal's process clerk	Legal process clerk
Marshal's process clerk	Civil process clerk

In order to carry out the intent of Section 74912 herein, whenever the salary of the class of deputy municipal court clerk I is adjusted as described above, the salary of deputy municipal court clerk interpreter shall be adjusted an equivalent number of ranges or steps as necessary on the salary schedule.

CHAPTER 600

An act to add Section 3251.5 to, and to repeal Section 3251.5 of, the Civil Code, relating to municipal water districts.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3251.5 is added to the Civil Code, to read:
3251.5. The requirement of Section 3251 that a payment bond be filed and approved as provided in this chapter before any claim in favor of the original contractor arising under the contract shall be audited, allowed or paid by the public entity awarding the contract or any officer thereof, shall not be applicable to contracts entered into by a municipal water district for storm damage restoration work

on or after July 23, 1969, and thereafter performed on or before June 1, 1972, if the failure to file the payment bond is the result of inadvertence or excusable neglect.

This section shall remain in effect only until the 62nd day after final adjournment of the 1972 Regular Session of the Legislature, and as of that date is repealed.

CHAPTER 601

An act to amend Sections 410.30, 415.50, and 1013a of the Code of Civil Procedure, relating to civil process.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 410.30 of the Code of Civil Procedure is amended to read:

410.30. (a) When a court upon motion of a party or its own motion finds that in the interest of substantial justice an action should be heard in a forum outside this state, the court shall stay or dismiss the action in whole or in part on any conditions that may be just.

(b) The provisions of Section 418.10 do not apply to a motion to stay or dismiss the action by a defendant who has made a general appearance.

SEC. 2. Section 415.50 of the Code of Civil Procedure is amended to read:

415.50. (a) A summons may be served by publication if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in another manner specified in this article and that:

(1) A cause of action exists against the party upon whom service is to be made or he is a necessary or proper party to the action; or

(2) The party to be served has or claims an interest in real or personal property in this state that is subject to the jurisdiction of the court or the relief demanded in the action consists wholly or in part in excluding such party from any interest in such property.

(b) The court shall order the summons to be published in a named newspaper, published in this state, that is most likely to give actual notice to the party to be served and direct that a copy of the summons and of the complaint be forthwith mailed to such party if his address is ascertained before expiration of the time prescribed for publication of summons. Except as otherwise provided by statute, the publication shall be made as provided by Section 6064 of the Government Code unless the court in its discretion orders publication for a longer period.

(c) Service of a summons in this manner is deemed complete as provided in Section 6064 of the Government Code.

(d) Notwithstanding an order for publication of the summons, a summons may be served in another manner authorized by this chapter, in which event such service shall supersede any published summons.

SEC. 3. Section 1013a of the Code of Civil Procedure is amended to read:

1013a. Proof of service by mail may be made by one of the following methods:

(1) An affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a citizen of the United States and resident or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and business address of the person making the service, showing that he is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by said clerk affixed to the original, or to a true copy of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he is the clerk, and that he is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(4) Every served copy shall bear a notation of the date and place of its mailing or be accompanied by an unsigned copy of the affidavit or certificate of mailing.

SEC. 3.5. Section 1013a of the Code of Civil Procedure is amended to read:

1013a. Proof of service by mail may be made by one of the following methods:

(1) An affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a resident of or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the

name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and business address of the person making the service, showing that he is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by said clerk affixed to the original, or to a true copy of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he is the clerk, and that he is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(4) Every served copy shall bear a notation of the date and place of its mailing or be accompanied by an unsigned copy of the affidavit or certificate of mailing.

SEC. 4. The amendment to Section 415.50 of the Code of Civil Procedure made by Section 2 of this act shall apply only to actions or proceedings in which the order for the publication of the summons is made on or after the effective date of this act.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1922 are both chaptered and amend Section 1013a of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 1922, that Section 1013a of the Code of Civil Procedure, as amended by Section 1 of Assembly Bill No. 1922 be further amended on the operative date of this act in the form set forth in Section 3.5 of this act to incorporate the changes in Section 1013a proposed by this bill. Therefore, Section 3.5 of this act shall become operative only if Assembly Bill No. 1922 is chaptered before this bill and amends Section 1013a, and in such case Section 3.5 of this act shall become operative on the operative date of this act and Section 3 of this act shall not become operative.

CHAPTER 602

An act to amend Section 26860 of the Government Code, and to add Article 8 (commencing with Section 10470) to Chapter 8 of Division 9 of, and to add Section 10617 to, the Health and Safety Code, relating to Vital Statistics.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 26860 of the Government Code is amended to read:

26860. Notwithstanding the provisions of Section 26857, a fee of five dollars (\$5) for each individual being adopted shall be paid to the county clerk at the time of filing the petition in an adoption proceeding, except for agency adoptions in which the adoption fee is waived and a statement from the agency to this effect is filed with the petition, which fee shall be paid monthly by the county clerk to the State Registrar of Vital Statistics for the services required by statute of that office.

SEC. 2. Article 8 (commencing with Section 10470) is added to Chapter 8 of Division 9 of the Health and Safety Code, to read:

Article 8. Amendment of Birth Record to Reflect
Court Order Change of Name

10470. Whenever a person born in this state has his named changed by order of a court of this state, another state, the District of Columbia, or any territory of the United States, an application including an affidavit of this fact may be filed with the office of the State Registrar upon a form provided for that purpose.

10471. Upon receipt of the application, affidavit, certified copy of the court order and payment of the required fee, the State Registrar shall review the amendment for acceptance for filing, and if accepted, shall file the amendment and shall note the fact of the amendment on the otherwise unaltered original birth certificate. The amendment shall be filed with and become a part of the record to which it pertains, if the original record of birth is on file in the office of the State Registrar.

10472. The State Registrar shall furnish a certified copy of the newly amended record of birth prepared under authority of this article to the registrant without additional cost.

SEC. 3. Section 10617 is added to the Health and Safety Code, to read:

10617. A fee of five dollars (\$5) shall be paid to the State Registrar by the applicant for the establishment of an amended record of birth under the provisions of Article 8 (commencing with Section 10470) of Chapter 8 of this division.

SEC. 4. This act shall become operative on the first day of the month following the effective date of this act or on January 1, 1973, whichever is later.

CHAPTER 603

An act relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, the appropriation made from the Bagley Conservation Fund for acquisition at Sonoma Coast State Beach in Item 318.2(a) (4) of the Budget Act of 1972, is hereby made available for acquisition at Sonoma State Historic Park and may be expended therefor.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act corrects a technical error in the Budget Act of 1972. In order to take effect at the same time as the Budget Act of 1972 and to have the money available for the purpose for which it was intended to be appropriated at the earliest possible time, it is necessary for this act to take effect immediately.

CHAPTER 604

An act to amend Section 1203.9 of the Penal Code, relating to probation.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.9 of the Penal Code, as amended by Chapter 1169 of the Statutes of 1971, is amended to read:

1203.9. (a) Whenever any person is released upon probation, the case may be transferred to any court of the same rank in any other county in which the person resides or to which the person moves, provided that the court of the receiving county shall first be given an opportunity to investigate and determine whether the person

does reside in or has moved to that county. If the court finds that the person does not reside in or has not moved to that county it may refuse to accept the transfer. The court of the receiving county shall give the matter of investigating such transfers precedence over all actions or proceedings therein, except actions or proceedings to which special precedence is given by law, to the end that all such transfers shall be quickly completed.

(b) The order of transfer shall contain an order committing the probationer to the care and custody of the probation officer of the receiving county. A copy of the order shall be transmitted to the probation officer of that county, and thereafter the receiving court shall have entire jurisdiction over the case, with like power to again request transfer of the case whenever it seems proper.

CHAPTER 605

An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to County Water Authorities.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each public agency, the area of which shall lie within the authority. Such representatives shall be designated and appointed by the chief executive officers of said public agencies, respectively, with the consent and approval of the legislative bodies of the said public agencies, respectively.

Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be for three years and the terms of the remainder shall be six years; provided further, that every member shall be subject to recall by the voters of the public agency from which such member is appointed, in accordance with the recall provisions of the

freeholders' charter or other law applicable to such public agency; and provided further, that any member may be recalled by the majority vote of the governing body of the public agency from which such member is appointed.

As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each five million dollars (\$5,000,000), or major fractional part thereof, of assessed valuation of property taxable for authority purposes in the public agency represented by him as shown by the last equalized assessment roll of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no public agency shall have votes exceeding in number the total number of votes of all the other public agencies whose corporate areas are included in such authority. In addition to one representative, any public agency may at its option designate and appoint one additional representative for each full 5 percent of the assessed value of property taxable for authority purposes which is within such public agency; provided, however, that the term of any representative in office on the effective date of this provision shall not be changed or terminated, nor shall the term of office of any representative be changed or terminated by reason of any future change in the assessed values of property within any member agency. The representatives of each public agency shall cast the vote to which such public agency would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors; provided, however, any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half.

Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

CHAPTER 606

An act to amend Sections 73663, 73665, 73666, 73667, 74702, 74703, and 74705 of, to add Sections 74702.5 and 74708 to, and to repeal 74708 and 74709 of, the Government Code, relating to courts.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73663 of the Government Code is amended to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk, three deputy clerks III, one deputy clerk II, and four deputy clerks I.

SEC. 2. Section 73665 of the Government Code is amended to read:

73665. The marshal may appoint, with the approval of the judge and the concurrence of the board of supervisors, three deputy marshals, one senior clerk typist-matron and one intermediate clerk typist.

SEC. 3. Section 73666 of the Government Code is amended to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk.....	\$716.56	\$752.94	\$790.40	\$829.01	\$870.89
Chief deputy clerk	522.54	549.01	576.53	601.19	633.86
Deputy clerk III	510.40	534.67	562.21	589.77	619.54
Deputy clerk II	474.00	497.16	522.54	549.01	576.53
Deputy clerk I	438.75	461.89	485.05	510.40	534.67
Marshal.....	1,138.00				
Deputy marshal	716.56	752.94	790.40	829.01	870.89
Senior clerk typist-matron	534.67	562.21	589.77	619.54	650.41
Intermediate clerk typist	438.75	461.89	485.05	510.40	534.67

SEC. 4. Section 73667 of the Government Code is amended to read:

73667. The positions enumerated in Section 73666 are deemed to be equivalent in job and salary level to certain positions in the classified service of the civil service system of the County of

Humboldt, or in some instances, to such positions with range adjustment on the salary range schedule of the County of Humboldt. The following table sets forth the court classifications with the equivalent county classifications and appropriate range adjustment, if any, shown opposite thereto:

Court classification	County classification
Clerk	Senior clerk plus 14 ranges
Chief deputy clerk	Senior clerk plus 1 range
Deputy clerk III	Senior clerk
Deputy clerk II	Account clerk
Deputy clerk I	Intermediate clerk
Deputy marshal	Deputy sheriff I
Marshal	Sheriff's lieutenant minus 2 ranges
Senior clerk typist-matron	Senior clerk typist plus 2 ranges
Intermediate clerk typist	Intermediate clerk typist

In the event that the salary for any county classification which is shown above is increased, then the salary for the equivalent court classification shall be automatically increased to the same amount, with an additional upward range adjustment on the salary range schedule of the County of Humboldt when such range adjustment is indicated in the above table. If the salary for any county classification which is shown above is increased prior to the effective date of this section, the resulting salary increase for the appropriate court classification shall become applicable on the effective date of this section. Any salary increase for a court classification which results from this section shall be effective only until 60 days after the adjournment of the Legislature at its next regular session.

SEC. 5. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk who shall receive a minimum salary of nine hundred seventy-four dollars (\$974) monthly with a six-month increment of forty-nine dollars (\$49), with annual increments thereafter of fifty-one dollars (\$51), fifty-three dollars (\$53) and fifty-seven dollars (\$57) to a maximum of one thousand one hundred eighty-four dollars (\$1,184) monthly.

SEC. 6. Section 74702.5 is added to the Government Code, to read:

74702.5. The judges of the municipal court may appoint a court administrator who shall assume and discharge the clerk's administrative responsibilities and personnel appointive powers. The court administrator shall receive a minimum salary of one thousand seventy-four dollars (\$1,074) monthly with a six-month increment of fifty-three dollars (\$53), with annual increments thereafter of fifty-seven dollars (\$57), fifty-nine dollars (\$59) and sixty-three dollars (\$63) to a maximum of one thousand three

hundred six dollars (\$1,306) monthly.

SEC. 7. Section 74703 of the Government Code is amended to read:

74703. Assistant clerks, executive secretaries and deputy clerks shall receive salaries as follows:

(a) Assistant clerks and executive secretaries shall receive a minimum salary of six hundred sixty dollars (\$660) monthly with a six-month increment of thirty-three dollars (\$33), with annual increments thereafter of thirty-four dollars (\$34), thirty-six dollars (\$36) and thirty-eight dollars (\$38) to a maximum of eight hundred one dollars (\$801) monthly.

(b) Deputy clerks, grade IV, shall receive a minimum salary of five hundred eighty-four dollars (\$584) monthly with a six-month increment of twenty-nine dollars (\$29), with annual increments thereafter of thirty-one dollars (\$31), thirty-two dollars (\$32), and thirty-four dollars (\$34) to a maximum of seven hundred ten dollars (\$710) monthly.

(c) Deputy clerks, grade III, and clerk-typists, grade III (municipal court), shall receive a minimum salary of five hundred seventeen dollars (\$517) monthly with a six-month increment of twenty-six dollars (\$26), with annual increments thereafter of twenty-seven dollars (\$27), twenty-eight dollars (\$28), and thirty dollars (\$30) to a maximum of six hundred twenty-eight dollars (\$628) monthly.

(d) Deputy clerks, grade II, shall receive a minimum salary of four hundred forty-seven dollars (\$447) monthly with a six-month increment of twenty-two dollars (\$22), with annual increments thereafter of twenty-four dollars (\$24), twenty-four dollars (\$24) and twenty-six dollars (\$26), to a maximum of five hundred forty-three dollars (\$543) monthly.

(e) Deputy clerks, grade I, shall receive a minimum salary of four hundred five dollars (\$405) monthly with a six-month increment of twenty dollars (\$20), with annual increments thereafter of twenty-two dollars (\$22), twenty-two dollars (\$22), and twenty-four dollars (\$24) with a maximum of four hundred ninety-three dollars (\$493) monthly.

SEC. 8. Section 74705 of the Government Code is amended to read:

74705. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of those classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The classes of assistant clerk, municipal court, and executive secretary, municipal court, are equivalent in job and salary level to the class of executive secretary.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of clerk-typist IV.

(d) The class of deputy clerk, grade III, and the class of clerk-typist, grade III (municipal court), is equivalent in job and salary level to the class of clerk-typist III.

(e) The class of deputy clerk II is equivalent in job and salary level to the class of clerk-typist II.

(f) The class of deputy clerk I is the equivalent in job and salary level to the class of clerk-typist I.

(g) The class of court administrator is the equivalent in job and salary level to the class of administrative assistant, grade III.

SEC. 9. Section 74708 of the Government Code is repealed.

SEC. 10. Section 74708 is added to the Government Code, to read: 74708. In the municipal court in the district which includes all the territory in the County of Sonoma, being the district created by the consolidation of the former Central Judicial District and the former Southern Judicial District, there shall be the following personnel:

(a) There shall be four judges who may appoint one executive secretary and one clerk-typist, grade III (municipal court).

(b) There shall be one clerk, who may appoint:

- (1) Two assistant clerks.
- (2) Six deputy clerks, grade IV.
- (3) Ten deputy clerks, grade III.
- (4) Eleven deputy clerks, grade II.
- (5) One deputy clerk, grade I.

SEC. 11. Section 74709 of the Government Code is repealed.

CHAPTER 607

An act to amend Section 66610 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 66610 of the Government Code is amended to read:

66610. For the purposes of this title, the area of jurisdiction of the San Francisco Bay Conservation and Development Commission includes:

(a) San Francisco Bay, being all areas that are subject to tidal action from the south end of the bay to the Golden Gate (Point Bonita-Point Lobos) and to the Sacramento River line (a line between Stake Point and Simmons Point, extended northeasterly to the mouth of Marshall Cut), including all sloughs, and specifically, the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide).

(b) A shoreline band consisting of all territory located between the shoreline of San Francisco Bay as defined in subdivision (a) of this section and a line 100 feet landward of and parallel with that line, but excluding any portions of such territory which are included in subdivisions (a), (c) and (d) of this section; provided that the commission may, by resolution, exclude from its area of jurisdiction any area within the shoreline band that it finds and declares is of no regional importance to the bay.

(c) Saltponds consisting of all areas which have been diked off from the bay and have been used during the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature for the solar evaporation of bay water in the course of salt production.

(d) Managed wetlands consisting of all areas which have been diked off from the bay and have been maintained during the three years immediately preceding the effective date of the amendment of this section during the 1969 Regular Session of the Legislature as a duck hunting preserve, game refuge or for agriculture.

(e) Certain waterways (in addition to areas included within subdivision (a)), consisting of all areas that are subject to tidal action, including submerged lands, tidelands, and marshlands up to five feet above mean sea level, on, or tributary to, the listed portions of the following waterways:

(1) Plummer Creek in Alameda County, to the eastern limit of the saltponds.

(2) Coyote Creek (and branches) in Alameda and Santa Clara Counties, to the easternmost point of Newby Island.

(3) Redwood Creek in San Mateo County, to its confluence with Smith Slough.

(4) Tolay Creek in Sonoma County, to the northerly line of Sears Point Road (State Highway 37).

(5) Petaluma River in Marin and Sonoma Counties to its confluence with Adobe Creek, and San Antonio Creek to the easterly line of the Northwestern Pacific Railroad right-of-way.

(6) Napa River, to the northernmost point of Bull Island.

(7) Sonoma Creek, to its confluence with Second Napa Slough.

(8) Corte Madera Creek in Marin County to the downstream end of the concrete channel on Corte Madera Creek which is located at the United States Army Corps of Engineers Station No. 318+50 on the Corte Madera Creek Flood Control Project.

The definition which is made by this section is merely for the purpose of prescribing the area of jurisdiction of the commission which is created by this title. This definition shall not be construed to affect title to any land or to prescribe the boundaries of the San Francisco Bay for any purpose except the authority of the commission created by this title.

CHAPTER 608

An act to amend Section 8388 of, and to add Sections 8388.3, 8388.5, and 8388.7 to, the Fish and Game Code, relating to fishing.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8388 of the Fish and Game Code is amended to read:

8388. Except as provided in Section 8388.5, Pacific mackerel may not be taken or possessed at any time for any purpose except loads or lots of fish may contain 18 percent or less by weight of Pacific mackerel taken incidentally to other fishing operations. Such Pacific mackerel, incidentally taken, may be used for any purpose.

SEC. 2. Section 8388.3 is added to the Fish and Game Code, to read:

8388.3. It is the intent of the Legislature that the Pacific mackerel resource be enhanced. During this process a fishery shall be allowed once the Pacific mackerel spawning population, in waters north of Punta Eugenia, Baja California, Mexico, has reached 10,000 tons as determined by the department. Such determination shall be made public in an annual report to the Legislature no later than July 31 of each year. It is also the intent that as the spawning population increases, in excess of 20,000 tons, the seasonal quota also be increased but at such a rate as to allow the continued increase in the Pacific mackerel population. This process should continue with the objective of maximizing the sustained harvest.

SEC. 3. Section 8388.5 is added to the Fish and Game Code, to read:

8388.5. Section 8388 shall remain in effect until the department determines that the estimated Pacific mackerel spawning population, in waters north of Punta Eugenia, Baja California, Mexico, exceeds 10,000 tons. When the department makes this determination, a season harvest quota equal to 20 percent of the amount of Pacific mackerel in excess of 10,000 tons spawning population, as determined by the department, shall be permitted under permits issued by the department.

When the department determines that the spawning population

exceeds 20,000 tons, the harvest quota shall be increased to 30 percent of the excess over 20,000 tons.

The department shall keep records of the catch of Pacific mackerel and when it appears that the season quota will be reached, it shall notify all permit holders of the date when such limit will be reached and therefore the season closed, and shall notify, by certified mail, all permit holders of such closure.

SEC 4. Section 8388.7 is added to the Fish and Game Code, to read:

8388.7. Subject to the provisions of Sections 8388 and 8388.5, Pacific mackerel season is from October 1 through September 30.

CHAPTER 609

An act to add Section 3111.5 to the Civil Code, relating to mechanic's liens.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3111.5 is added to the Civil Code, to read:

3111.5. (a) Every trust fund as described in Section 3111 shall, upon written demand by a subcontractor, give to the subcontractor in person, or by first-class mail, addressed to the address of the subcontractor as stated on the demand, within five working days of the receipt of the demand, a written statement which shall contain the following information:

- (1) The name and address of the subcontractor.
- (2) A list of those months in the 12 months preceding the demand, commencing with the last month of record in possession of the trust fund, for which the subcontractor has paid supplemental fringe benefit payments.
- (3) The facts, if such be the case, that the trust fund has no information or belief that the subcontractor is further indebted to the trust fund for those months.

(b) The statement of the trust fund provided for in subdivision (a) above shall be, without prejudice to the trust fund, sufficient to satisfy any creditors of the subcontractor to whom it is given that the subcontractor is not indebted to the trust fund for the months so stated, without further release from the trust fund.

CHAPTER 610

An act to amend Section 72400 of the Government Code, relating to municipal courts.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 72400 of the Government Code is amended to read:

72400. The judges of a municipal court having three or more judges may appoint one traffic referee, who shall hold office at the pleasure of the judges. The judges of a municipal court having more than 20 judges and located in a county containing a population, as determined by the 1970 federal decennial census, of 1,300,000 and under 1,400,000, may appoint two traffic referees, who shall hold office at the pleasure of the judges. A traffic referee shall serve his court full time or, if appointed to serve two or more courts, sufficient time with each to total full time. A person is ineligible to be a traffic referee unless he is a member of the State Bar of California or has had five years' experience as a justice court judge in this state within the eight years immediately preceding his appointment as a traffic referee.

CHAPTER 611

An act to add Section 26617 to the Government Code, relating to sheriffs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 26617 is added to the Government Code, to read:

26617. A county of the 12th class having a charter may provide by charter provision for the consolidation of the offices of constable with that of the sheriff and provide that the sheriff shall perform all functions otherwise imposed by law upon constables.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The charter provision authorized by this act must be approved by the voters of the county and in order that this essential measure may

be placed before the voters at the next general election this act must be given immediate effect.

CHAPTER 612

An act to amend Section 16056 of the Vehicle Code, relating to financial responsibility.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16056 of the Vehicle Code is amended to read:

16056. (a) The department may in its discretion, upon application, issue a certificate of self-insurance when it is satisfied that the applicant in whose name more than 25 vehicles are registered is possessed and will continue to be possessed of ability to pay judgments obtained against him in amounts at least equal to the amounts provided in Section 16059. The certificate may be issued authorizing the applicant to act as a self-insurer for either property damage or bodily injury or both. Any person duly qualified under the laws or ordinances of any city or county to act as self-insurer and then acting as such, may upon filing with the department satisfactory evidence thereof, along with the application as may be required by the department, be entitled to receive a certificate of self-insurance.

(b) Upon not less than five days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after the judgment has become final and has not been stayed or satisfied shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

CHAPTER 613

An act to place a constitutional amendment on the ballot, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. (a) There shall be submitted to the people at the general election, to be held on the seventh day of November, 1972, Assembly Constitutional Amendment No. 81 of the 1972 Regular

Session. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to Assembly Constitutional Amendment No. 81.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Assembly Constitutional Amendment No. 81, whichever occurs later, the author and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, or if an argument against the measure has not been timely filed by the member appointed to prepare the argument, the presiding officer of that house shall notify the news media of that fact and shall request that interested persons file such an argument within 10 days after such notice. From among the arguments submitted, the presiding officer shall select the argument to be filed with the Secretary of State. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of selection. Rebuttal arguments shall be submitted pursuant to Section 3565.5 of the Elections Code, except that rebuttal arguments shall be filed within five days after the date on which arguments are to be filed with the Secretary of State.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of Assembly Constitutional Amendment No. 81, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section, shall request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code, and shall also request the Legislative Analyst to prepare a cost analysis of the measure in accordance with Section 3566.3 of the Elections Code. Said title and said analysis of the Legislative Counsel, and said analysis of the Legislative Analyst shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of such constitutional amendment, whichever occurs later.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the specified constitutional amendment on the ballot, it is necessary that this act go into immediate effect.

CHAPTER 614

An act to amend Sections 33324, 33330, 33363, 33385, and 33411 of, and to add Sections 33333.5 and 33347.5 to, the Health and Safety Code, relating to redevelopment.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 33324 of the Health and Safety Code is amended to read:

33324. A preliminary plan need not be detailed and is sufficient if it:

(a) Describes the boundaries of the project area.

(b) Contains a general statement of the land uses, layout of principal streets, population densities and building intensities and standards proposed as the basis for the redevelopment of the project area.

(c) Shows how the purposes of this part would be attained by such redevelopment.

(d) Shows that the proposed redevelopment conforms to the master or general community plan.

(e) Describes, generally, the impact of the project upon residents thereof and upon the surrounding neighborhood.

SEC. 2. Section 33330 of the Health and Safety Code is amended to read:

33330. Each agency shall prepare or cause to be prepared, and approve, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations. The agency shall consult with the planning commission of the community and with the project area committee, if applicable, in preparing a redevelopment plan.

SEC. 3. Section 33333.5 is added to the Health and Safety Code, to read:

33333.5. Every redevelopment plan shall, if the project area contains low- or moderate-income housing, contain a neighborhood impact element, which describes in detail the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population and quality of education, property assessments and taxes, and other matters affecting the physical and social quality of the neighborhood.

SEC. 4. Section 33347.5 is added to the Health and Safety Code, to read:

33347.5. If there exists within the project area a project area committee, the redevelopment plan shall be submitted to such committee before it is submitted to the legislative body. The

committee may, if it chooses, prepare a report and recommendation for submission to the legislative body.

SEC. 5. Section 33363 of the Health and Safety Code is amended to read:

33363. At the hour set in the notice required by Section 33361 for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. Before adopting the redevelopment plan the legislative body shall consider the report of the agency, the report and recommendation of the project area committee, and all evidence and testimony for and against the adoption of the plan.

SEC. 6. Section 33385 of the Health and Safety Code is amended to read:

33385. The legislative body of a city or county shall call upon the residents and existing community organizations in a redevelopment project area, within which a substantial number of low- and moderate-income families are to be displaced by the redevelopment project, to form a project area committee. The project area committee shall include, when applicable, residential owner occupants, residential tenants, businessmen, and members of existing organizations within the project area. The members of the committee shall serve without compensation.

The legislative body shall approve a representative project area committee in each project area within 60 days after the project area is selected.

For project areas selected prior to the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature, the legislative body may, but shall not be required to, call upon the residents and existing community organizations to form a project area committee.

If the project will not displace a substantial number of low- and moderate-income families the agency shall either call upon the residents and existing community organizations to form a project area committee or the agency shall consult with, and obtain the advice of, residents and community organizations as provided for project area committees in Section 33386 and provide such persons and organizations with the redevelopment plan prior to submitting it to the legislative body.

Nothing contained in this section shall prevent an agency, or the legislative body of any city or county, from creating any other committee for a project area.

SEC. 7. Section 33411 of the Health and Safety Code is amended to read:

33411. The agency shall prepare a feasible method or plan for relocation of all of the following:

(a) Families and persons to be temporarily or permanently displaced from housing facilities in the project area.

(b) Nonprofit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes in the project area.

CHAPTER 615

An act to amend Sections 70141.10, 73772, and 73773 of the Government Code, relating to courts.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.10 of the Government Code is amended to read:

70141.10. (a) In any county with a population exceeding 144,000 and not exceeding 147,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of eighteen thousand dollars (\$18,000). The salary shall be automatically increased periodically at the time and in the manner specified by Section 68203, except during the period commencing September 2, 1972, to and including September 1, 1974. Such commissioner shall not receive any other compensation for the performance of any assigned duties.

(b) The superior court may, in addition to the commissioner authorized in subdivision (a), also appoint a commissioner-referee who shall be authorized to perform all of the duties set forth in subdivision (a) and, in addition, the duties of a juvenile court referee appointed pursuant to Section 553 of the Welfare and Institutions Code. Such commissioner-referee shall have been admitted to practice law in California for not less than five years and shall receive a salary recommended by the superior court and approved by the board of supervisors.

SEC. 2. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be the administrative officer of the court and who shall receive an annual salary of twenty thousand eight hundred twenty dollars (\$20,820) payable in equal monthly installments of one thousand seven hundred thirty-five dollars (\$1,735) per month.

SEC. 3. Section 73773 of the Government Code is amended to read:

73773. The clerk, with the approval of the judges of such court, may appoint:

(a) One chief deputy clerk who shall receive an annual salary of sixteen thousand six hundred twenty dollars (\$16,620) payable in equal monthly installments of one thousand three hundred eighty-five dollars (\$1,385) per month.

(b) Twelve deputy clerks grade V, each of whom shall receive a minimum salary of eight hundred seventy dollars (\$870) monthly with increments of forty-four dollars (\$44) and forty-six dollars (\$46) to a maximum of nine hundred sixty dollars (\$960) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of seven hundred seventy-one dollars (\$771) monthly with increments of thirty-eight dollars (\$38) and forty dollars (\$40) to a maximum of eight hundred forty-nine dollars (\$849) monthly.

(d) Sixteen deputy clerks grade III, each of whom shall receive a minimum salary of seven hundred dollars (\$700) monthly with increments of thirty-five dollars (\$35) and thirty-six dollars (\$36) to a maximum of seven hundred seventy-one dollars (\$771) monthly.

(e) Twelve deputy clerks grade II, each of whom shall receive a minimum salary of six hundred thirty-three dollars (\$633) monthly with increments of thirty-three dollars (\$33) and thirty-four dollars (\$34) to a maximum of seven hundred dollars (\$700) monthly.

(f) Seven deputy clerks grade I, each of whom shall receive a minimum salary of six hundred four dollars (\$604) monthly with increments of twenty-nine dollars (\$29) and thirty-three dollars (\$33) to a maximum of six hundred sixty-six dollars (\$666) monthly.

(g) Five intermediate typists, each of whom shall receive a minimum salary of five hundred sixty-two dollars (\$562) monthly with increments of twenty-eight dollars (\$28) and twenty-nine dollars (\$29) to a maximum of six hundred nineteen dollars (\$619) monthly.

(h) One clerk (file clerk) who shall receive a minimum salary of four hundred seventy-four dollars (\$474) monthly with increments of twenty-four dollars (\$24) and twenty-five dollars (\$25) to a maximum of five hundred twenty-three dollars (\$523) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

CHAPTER 616

An act to amend Sections 14901 and 14902 of the Government Code, relating to distribution of state publications.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14901 of the Government Code is amended to read:

14901. To the end that the policy specified in Section 14900 may be effectively carried out, the State Printer shall print a sufficient number of copies of each state publication as determined by the State Librarian in accordance with Sections 14901, 14903, 14904, 14905.1, and 14907, not to exceed three hundred fifty (350), unless the Department of General Services with the advice of the State Librarian determines that a greater number is necessary in order to meet the requirements for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, daily journals, and daily or weekly histories, not more than one hundred fifty (150) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 14866. Additional amounts shall be charged by the State Printer to cover the cost of preparing, printing, and distributing the lists of publications required by Section 14910.

SEC. 2. Section 14902 of the Government Code is amended to read:

14902. "State publication" or "publication" as herein employed is defined to include any document, compilation, journal, law, resolution, Blue Book, statute, code, register, pamphlet, list, book, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine issued by the state, the Legislature, constitutional officers, or any department, commission or other agency thereof or prepared for the state by private individual or organization and issued in print, and "print" is defined to include all forms of duplicating other than by the use of carbon paper. The publications of the University of California, however, and intraoffice or interoffice publications and forms shall not be included.

CHAPTER 617

*An act to amend Section 200 of the Code of Civil Procedure,
relating to jury duty.*

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; provided, however, that in counties having less

than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee.

SEC. 2. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or

a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence;

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee; or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

SEC. 3. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence; or,

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee.

SEC. 4. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence;

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee; or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

SEC. 5. It is the intent of the Legislature that if this bill and Assembly Bill No. 519 or Senate Bill No. 924, or both, are chaptered and amend Section 200 of the Code of Civil Procedure, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 519 are both chaptered and amend Section 200 of the Code of Civil Procedure, but Senate Bill No. 924 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 519, the amendments proposed by both bills shall be given effect and incorporated in Section 200 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 519 is chaptered before this bill and both bills amend Section 200, and Senate Bill No. 924 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(b) If this bill and Senate Bill No. 924 are both chaptered and amend Section 200 of the Code of Civil Procedure, but Assembly Bill

No. 519 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 924, the amendments proposed by both bills shall be given effect and incorporated in Section 200 in the form set forth in Section 3 of this act. Therefore, if Senate Bill No. 924 is chaptered before this bill and both bills amend Section 200, and Assembly Bill No. 519 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 519 and Senate Bill No. 924 are all chaptered, and all three bills amend Section 200 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 519 and Senate Bill No. 924, the amendments proposed by all three bills shall be given effect and incorporated in Section 200 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 519 and Senate Bill No. 924 are both chaptered before this bill and all three bills amend Section 200 of the Code of Civil Procedure, Section 4 of this act shall be operative and Sections 1, 2 and 3 of this act shall not become operative.

CHAPTER 618

An act relating to the maintenance of various codes, as follows:

Agricultural Code:

By amending Section 43251

Business and Professions Code:

By amending Section 11003.1

By repealing Section 2100.5

Civil Code:

By amending and renumbering Section 1951, as added by Chapter 1317 of the Statutes of 1970

Code of Civil Procedure:

By amending the heading of Title 10a (commencing with Section 1650) of Part 3

Corporations Code:

By amending Section 28002

Education Code:

By amending Sections 937.1, 1122, 2705, 3100.7, 3204, 3208, 3209, 3210, 3212, 3213, 3253, 3254, 3257.6, 3257.7, 3301.5, 3306, 3384, 3385, 5202, 11301, 17208, 17305, 17308, 25413.1, 25413.5, 25445, 25450.3, 25476.5, 25477, 25477.5, 25482, 25502.5, 25505.15, 27113, and 27126

By amending and renumbering Sections 817 and 1828.5

By amending and renumbering Sections 13345, 13346, 13347, 13348, and 13349, as amended and renumbered by Chapter 438 of the Statutes of 1971

By repealing Sections 3205, 3206, 3207, 8124, 8125, 8126, 11003, and 13722.2

By repealing Article 6 (commencing with Section 25546.13) of Chapter 7 of Division 18.5

By repealing the heading of Article 7 (commencing with Section 31900) of Chapter 5 of Division 22

Elections Code:

By amending Sections 61, 62, 4011, and 14971

Financial Code:

By amending Section 18984

Government Code:

By amending Sections 9107, 9107.5, 9108, 9109, 9111, 9112, 9127, 9708, 10204, 10246, 14983, 24000, 24008, 35124.1, 68541, and 71140

By amending the heading of Article 1.1 (commencing with Section 26620) of Chapter 2 of Part 3 of Division 2 of Title 3

By adding a chapter heading to Part 5.7 (commencing with Section 14980) of Division 3 of Title 2

By adding Chapter 2 (commencing with Section 14990) to Part 5.7 of Division 3 of Title 2

By repealing Sections 11559 and 14609

By repealing the headings of Chapter 6 (commencing with

Section 1950) of, and Article 3 (commencing with Section 2000) of Chapter 6 of, Division 4 of Title 1, and Article 4 (commencing with Section 12040) of Chapter 1 of Part 2 of Division 3 of Title 2

By repealing Chapter 5.5 (commencing with Section 13480) of Part 3 of Division 3 of Title 2

Health and Safety Code:

By amending Sections 1685, 1686, 26052, and 39052

By amending the heading of Article 2 (commencing with Section 26510) of Chapter 5 of Division 21

By amending and renumbering Section 11919, as added by Chapter 1486 of the Statutes of 1970

By repealing Sections 12007, 12102.1, 12105.1, and 12105.2, as added by Chapter 1421 of the Statutes of 1970

By repealing Sections 39069, 39070, 39071, 39072, 39073, and 39074, as added by Chapter 778 of the Statutes of 1970

Insurance Code:

By amending Sections 1802.6, 6010, and 6011.5

Labor Code:

By amending Sections 1432, 3212.5, 5407, 5407.5

Penal Code:

By amending Sections 241, 243, 245, 308, 830.10, 830.3, 830.35, and 13806

By amending and renumbering Section 1203(b)

By repealing Section 5056

By repealing Article 4 (commencing with Section 13030) of Chapter 1 of Title 3 of Part 4

Public Resources Code:

By amending Sections 4021 and 5097.94

Public Utilities Code:

By amending Section 3511, 5133, and 5135

By repealing Sections 3576, 5133.5, and 21669.1

Revenue and Taxation Code:

By repealing Section 402.7

Streets and Highways Code:

By amending Section 27189

Unemployment Insurance Code:

By amending Section 303

By repealing Article 5 (commencing with Section 802) of Chapter 3 of Part 1 of Division 1, as added by Chapter 1622 of the Statutes of 1971

Vehicle Code:

By amending Sections 545, 8800, 9105, 9854, 14601, 15002, 16105, 17460, 22512, 25800, 25801, 27304, 27903, and 36500

By amending Section 14601.1, as added by Section 8 of Chapter 1195 of the Statutes of 1968

By adding Section 40000.8

By repealing Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3, as added by Chapter 778 of the

Statutes of 1970

By repealing Section 14601.1, as added by Chapter 963 of the Statutes of 1968

Water Code:

By amending Sections 26625, 42226, 42227, and 71814

By repealing the headings of Article 4 (commencing with Section 34755) of Chapter 1 of Part 3 of Division 13, Chapter 4 (commencing with Section 71390) of Part 3 of Division 20, and Chapter 4 (commencing with Section 74270) of Part 3 of Division 21

Welfare and Institutions Code:

By amending Sections 5751 and 19003

By amending and renumbering Section 11008.7, as added by Chapter 578 of the Statutes of 1971

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 43251 of the Agricultural Code is amended to read:

43251. Except as otherwise provided in Section, 43900 fruits, nuts, and vegetables of the kinds which are specified in this division, if they are not wrapped or packed, are exempt from the standards which are established in this division when being transported or delivered to the destinations and for the purposes herein set forth, or when prepared, loaded, shipped, or sold under any of the following conditions:

(a) From a packing plant which does not have proper or adequate facilities for processing, grading, packing, or reconditioning, to another packing plant within the state which has such facilities.

(b) To a byproduct plant within the state for commercial processing, preserving, or manufacture of byproducts for resale. Dates, however, are not exempt from the standards which are established by Chapter 20 (commencing with Section 47401) of this division, except while they are being transported or delivered to a distillery for the manufacture of brandy or alcohol or to any person for the production of any product which is not for human consumption.

(c) To a feed yard within the state for livestock feeding purposes.

(d) To a dumping ground or waste disposal plant within the state for disposal.

(e) From the orchard or field where they were produced to a packing plant within the state for first processing, grading, or packing.

SEC. 2. Section 2100.5 of the Business and Professions Code is repealed.

SEC. 3. Section 11003.1 of the Business and Professions Code is

amended to read:

11003.1. "Real estate developments" referred to in Section 11003 are developments:

(a) Which consist or will consist of separately owned lots, parcels or areas with either or both of the following features:

(1) One or more additional contiguous or noncontiguous lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas.

(2) Mutual, common or reciprocal interests in, or restrictions upon, all or portions of such separately owned lots, parcels or areas, or both, and

(b) In which the several owners of the separately owned lots, parcels or areas have rights, directly or indirectly, to the beneficial use and enjoyment of the lots, parcels or areas referred to in paragraph (1) of subdivision (a) above or any one or more of them or portions thereof or interests therein, or the interests or restrictions referred to in paragraph (2) of subdivision (a) above.

The estate in a separately or commonly owned lot, parcel or area may be an estate of inheritance or perpetual estate, an estate for life, or an estate for years.

Either common ownership of the additional contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a) above, or the enjoyment of the mutual, common or reciprocal interests in, or restrictions upon the separately owned lots, parcels or areas pursuant to paragraph (2) of subdivision (a) above, or both, may be through ownership of shares of stock or membership in an owners association, or otherwise.

"Owners association" shall mean a nonprofit corporation or association created to own the contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a), to lease the contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a), or to provide management, maintenance, preservation and control of either said contiguous or noncontiguous lots, parcels or areas, or the separately owned lots, parcels or areas, or both, or any portion of or interest in them; provided, that the shares or certificates of membership are transferable only by transfers of the separately owned lot, parcel or area. Such shares of stock or certificates of membership shall be deemed to be interests in a real estate development for purposes of this chapter and for purposes of subdivision (f) of Section 25100 of the Corporations Code.

SEC. 4. Section 1951 of the Civil Code, as added by Chapter 1317 of the Statutes of 1970, is amended and renumbered to read:

1950.5. (a) Any payment or deposit of money the primary function of which is to secure the performance of a rental agreement or any part of such an agreement, other than a payment or deposit, including an advance payment of rent, made to secure the execution of a rental agreement, shall be governed by the provisions of this section.

(b) Any such payment or deposit of money shall be held by the landlord for the tenant who is party to such agreement. The claim of a tenant to such payment or deposit shall be prior to the claim of any creditor of the landlord, except a trustee in bankruptcy.

(c) The landlord may claim of such payment or deposit only such amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, to repair damages to the premises caused by the tenant, or to clean such premises upon termination of the tenancy, if the payment or deposit is made for any or all of those specific purposes. Any remaining portion of such payment or deposit shall be returned to the tenant no later than two weeks after termination of his tenancy.

(d) Upon termination of the landlord's interest in the dwelling unit in question, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or his agent shall, within a reasonable time, do one of the following acts, either of which shall relieve him of further liability with respect to such payment or deposit:

(1) Transfer the portion of such payment or deposit remaining after any lawful deductions made under subdivision (c) to the landlord's successor in interest, and thereafter notify the tenant by registered mail of such transfer, and of the transferee's name and address.

(2) Return the portion of such payment or deposit remaining after any lawful deductions made under subdivision (c) to the tenant.

(e) Upon receipt of any portion of such payment or deposit under paragraph (1) of subdivision (d), the transferee shall have all of the rights and obligations of a landlord holding such payment or deposit with respect to such payment or deposit.

(f) The bad faith retention by a landlord or transferee of a payment or deposit or any portion thereof, in violation of this section, may subject the landlord or his transferee to damages not to exceed two hundred dollars (\$200), in addition to any actual damages.

(g) This section shall become operative on January 1, 1971, and shall apply only to payments or deposits made on or after such date.

SEC. 5. The heading of Title 10a (commencing with Section 1650) of Part 3 of the Code of Civil Procedure is amended to read:

**TITLE 10a. REVISED UNIFORM RECIPROCAL
ENFORCEMENT OF SUPPORT ACT OF 1968**

SEC. 6. Section 28002 of the Corporations Code is amended to read:

28002. As used in this division:

(a) "Retirement system" means any employees' pension, profit-sharing, stock bonus or similar benefit plan which meets the requirements for qualification under Section 401 of the Federal Internal Revenue Code or any statute amendatory thereof or

supplementary thereto. A determination letter from the Internal Revenue Service stating that an employees' pension, profit-sharing, stock bonus or similar benefit plan meets the requirements for qualification under Section 401 of the Internal Revenue Code shall be conclusive evidence that such plan is a retirement system until the date such determination letter is revoked in writing by the Internal Revenue Service, regardless of whether such revocation is retroactive in effect. Insofar as applicable to any retirement system, the terms "trust," "trust agreement," and "trust instrument" include the formal plan or plan description excluding any summary thereof, the trust instrument or agreement, the policy of insurance or related contract, if any, and any written administrative rules, regulations and interpretations governing the operation of the retirement system.

(b) "Employer" means any person acting directly as an employer or indirectly in the interest of an employer in relation to a retirement system, and includes a group or association of employers acting for an employer in such capacity.

(c) "Employee" means any individual employed by an employer.

(d) "Participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from a retirement system, or whose beneficiaries may be eligible to receive any such benefit.

(e) "Beneficiary" means a person designated by a participant or by the terms of a retirement system who is or may become entitled to a benefit thereunder.

(f) "Fiduciary" means any person who exercises any power of control, or management with respect to the investment of any moneys or other property of a retirement system, or has authority or responsibility to do so. Fiduciary does not mean any person who has the power to appoint or remove a fiduciary provided that such person cannot exercise any direction or control over the fiduciary in the exercise of its functions. The commissioner may establish rules or regulations exempting any person as a fiduciary whose functions do not involve any significant risk that the moneys or other property of a retirement system will be applied for any purpose other than the exclusive benefit of the participants therein or the beneficiaries of such participants.

(g) "Party in interest" means any administrator, officer, trustee, custodian, counsel or employee of any retirement system, or a person providing services to any such system or an employer any of whose employees are covered by such a system or any person controlling, controlled by, or under common control with, such employer or officer or employee or agent of such employer, or such person, or a relative, partner, or joint venturer of any of the above-described persons.

(h) "Relative" means a spouse, ancestor, descendant, brother, sister, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law.

(i) "Administrator" means: (1) the person specifically so designated by the terms of the plan, trust agreement, contract, or other instrument under which the retirement system is operated; or (2) in the absence of such designation, the employer.

(j) "Participant account" means an account established or maintained by the administrator of a retirement system under which a participant's own contributions or his share of the employer's contributions, together with the income, gains, and losses from investment thereof, whether or not realized, are charged or credited. Nothing contained herein shall be deemed to require the administrator of any retirement system to maintain a participant account if under such system contributions are not specifically allocated to participants therein.

(k) "Person" means an individual, partnership, joint venture, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

(l) "Commissioner" means the Commissioner of Corporations.

SEC. 7. Section 817 of the Education Code is amended and renumbered to read:

1004.5. The governing body of any school district may by rule or regulation provide for the payment of the costs of replacing or repairing property of an employee, such as eyeglasses, hearing aids, dentures, watches, articles of clothing necessarily worn or carried by the employee, or vehicles when any such property is damaged in the line of duty without fault of the employee. If the property is damaged beyond repair, the actual value of such property may be paid. The value of such property shall be determined as of the time of the damage thereto. Limits may be established for the payment of such damaged property.

In the event the employee is paid the costs of replacing or repairing such property, or the actual value of such property, the school district shall, to the extent of such payments, be subrogated to any right of the employee to recover compensation for such damaged property. The school district may file and prosecute an action to enforce its subrogation right in the small claims court if the amount of the claim is within that court's monetary jurisdiction or may enforce its subrogation right in any other court of competent jurisdiction.

SEC. 8. Section 937.1 of the Education Code is amended to read:

937.1. No governing board or county superintendent of schools shall affix the title of deputy, associate or assistant superintendent to any position not defined by this code as a position requiring certification qualifications or which does not qualify under the provisions of Section 13055 as a position requiring certification qualifications; except that any such title may be assigned to the position of business manager or a related business position but such position shall not, if so designated, be deemed to be a position requiring certification qualifications nor shall the employee be deemed to be a certificated employee.

SEC. 9. Section 1122 of the Education Code is amended to read:
1122. The county committee on school district organization shall have the power to establish trustee areas, rearrange the boundaries of trustee areas, or abolish trustee areas and increase or decrease the number of members of the governing board of a school district from five to seven in any school district, except one governed by a board of education provided for in the charter of a city or city and county.

Any such proposal may be initiated by the county committee or made to the county committee by a petition signed by at least five qualified electors residing in the district, or by resolution of the governing board of the district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter. At the conclusion of the hearing, the county committee shall approve or disapprove the proposal.

SEC. 10. Section 1828.5 of the Education Code is amended and renumbered to read:

1829. When a community college district is formed to include territory in four or more counties, and the new district thereby acquires property of a former community college district which ceases to exist by virtue of its inclusion in the new district, no tax levy shall be made under the provisions of Article 10 (commencing with Section 1900) of this chapter against the assessed valuation within the territory of the former community college district, for the redemption of bond principal or payment of interest on indebtedness which was originally a liability against territory other than that of the former community college district until present or future bonds equal to the appraised value of the property acquired have been redeemed through the payment of principal and interest from revenue derived from a tax levy against the assessed valuation of all of the territory of the new district except the territory of the former community college district from which the property was acquired.

SEC. 11. Section 2705 of the Education Code is amended to read:

2705. If the board of supervisors orders the territory of a lapsed district annexed to more than one adjoining district it may provide for such a division of the funds, property, and obligations of the lapsed district as it deems most equitable in the circumstances. If no division is provided for by the board the general provisions of Article 8 (commencing with Section 1829) of Chapter 1 shall apply to the division of funds, property, and obligations of the lapsed district.

SEC. 12. Section 3100.7 of the Education Code is amended to read:

3100.7. On or before June 4, 1968, an election shall be held within any school district territory which has not been included within a unified school district and within which no such election was held after July 1, 1964, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect

the reorganization of the territory involved to comply with standards prescribed. Like elections may be held in such territory at any time in odd-numbered years, and on the date of each presidential or gubernatorial primary election. Such like elections shall be called upon order of the county committee on school district organization, upon order resulting from the action of the governing boards of a majority of the school districts in the territory proposed to be reorganized, or by order resulting from the action of the governing boards of school districts which have enrolled in the schools under their collective jurisdictions a majority of the pupils in grades kindergarten through 12, inclusive, enrolled in all of the schools within the territory.

The county committee on school district organization shall, for purposes of any such election, develop any necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless district conforms to the requirements prescribed by Section 17672 or Section 17673.

It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 of this code for any school district shall be determined, for the, 1968-1969 fiscal year and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by this section.

With the approval of the State Board of Education, any school district territory in which, after June 1, 1964, and prior to July 1, 1971, two unification elections were conducted pursuant to this section within a 12-month period, both of which elections were defeated, shall be exempt from the mandatory election provisions of this section.

SEC. 13. Section 3204 of the Education Code is amended to read:

3204. At any time, and from time to time, after the county committee has selected all or any part of the county for study for possible recommendation for reorganization and prior to the adoption by the county committee of plans and recommendations for unification or other reorganization, a majority of the county committee may change the territory selected for study for possible recommendation for reorganization.

SEC. 14. Section 3205 of the Education Code is repealed.

SEC. 15. Section 3206 of the Education Code is repealed.

SEC. 16. Section 3207 of the Education Code is repealed.

SEC. 17. Section 3208 of the Education Code is amended to read:

3208. Notice of each meeting of the committee shall be mailed to all members by the county superintendent of schools at least 10 days

prior to the date of such meeting.

SEC. 18. Section 3209 of the Education Code is amended to read:

3209. The county committee shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization at least 30 days prior to submission of a final recommendation for unification or other reorganization to the State Board of Education. The public hearing shall be called in the same manner as specified in Section 3202.

SEC. 19. Section 3210 of the Education Code is amended to read:

3210. No final recommendation for reorganization to be submitted to the State Board of Education shall be made until the county committee has adopted the recommendation by a majority of all entitled to vote and no such action shall be taken prior to the public hearing specified in Section 3209.

SEC. 20. Section 3212 of the Education Code is amended to read:

3212. When a county committee selects an area for study for possible recommendation for reorganization which includes territory of one or more school districts under the jurisdiction of the county superintendent of schools of another county, the county committee shall so notify the members of the county committee of such other county. Thereafter the members of the county committee of such other county shall be notified by mail of each public hearing or meeting of the county committee at which the proposed reorganization will be considered at least 10 days prior to the day of such hearing or meeting.

SEC. 21. Section 3213 of the Education Code is amended to read:

3213. If plans and recommendations adopted by a county committee propose changes in the boundaries or status of school districts under the jurisdiction of the superintendent of any adjacent county, the county committee of each such adjacent county shall be requested in writing to concur in the plans and recommendations.

If the county committee of an adjacent county concurs in the plans and recommendations, the concurrence shall accompany the recommendations transmitted to the State Board of Education. The adoption and consideration of a resolution of concurrence by such committee or committees shall not be subject to the provisions of Section 3203, 3204, 3209, or 3210.

If the county committee of an adjacent county fails to respond to the request for concurrence within 90 days of the date of the request, such failure shall be deemed to be a concurrence in the plans and recommendations.

If a county committee of an adjacent county does not concur in the plans and recommendations, it shall so notify the other county committee in writing and accompany the notification with plans and recommendations for the reorganization of school districts of its county including territory that would be affected by the plans and recommendations of the other county committee. After 60 days from the notification of nonconcurrence, if the county committees are still

unable to agree upon plans and recommendations for reorganization of the territory, the county committees, or any of them, may submit plans and recommendations to the State Board of Education and the board may approve or reject the plans, or any of them, in the same manner as other plans and recommendations.

SEC. 22. Section 3253 of the Education Code is amended to read:

3253. The plans and recommendations formulated by the county committee may include recommendations with reference to the location of school building or buildings after reorganization is accomplished. Suggestions made in accordance with this section shall not be considered a part of the reorganization proposition to be voted upon at the election for the adoption or rejection of the plans and recommendations of the county committee.

SEC. 23. Section 3254 of the Education Code is amended to read:

3254. In any proposal for unification or for the formation of a community college district recommended by a county committee, the county committee may include a provision for a governing board of either five or seven members and may include a provision for trustee areas. In establishing trustee areas each county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed seven, may be established. The county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five or seven members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area.

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition. A provision for trustee areas shall indicate the boundaries of the proposed trustee areas.

SEC. 24. Section 3257.6 of the Education Code is amended to read:

3257.6. The plans and recommendations for the formation of a new community college district formulated by the county committee may include recommendations to authorize the issuance of bonds by the new district in an amount determined by the county committee, all or a part of which may be used for purposes designated by the committee but not in conflict with Article 1 (commencing with Section 21701) of Chapter 7 of Division 16. The acquisition by a community college district formed in accordance with plans and recommendations adopted pursuant to this chapter from a high school district or unified school district of community

college facilities of such high school district or unified school district shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing with Section 21701) of Division 16.

The transfer of funds derived from the issuance and sale of bonds by a community college district formed as a preliminary step to the inclusion of such district in a larger community college district pursuant to Section 25457.6, where such transfer of funds is to be made to the larger community college district, shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing with Section 21701) of Division 16.

SEC. 25. Section 3257.7 of the Education Code is amended to read:

3257.7. A recommendation made pursuant to Section 3257.6 shall be voted upon as a separate proposition at the election for the adoption or rejection of the plans and recommendations for the formation of the new community college district. The recommendation made pursuant to Section 3257.6 shall become effective if the percentage of votes required for the passage of the bond issue as provided in Section 18 of Article XI of the Constitution are cast in favor of the proposition for issuance of the bonds. The county committee may provide that the proposed districts shall not be formed unless the recommendation provided for in Section 3257.6 is approved.

SEC. 26. Section 3301.5 of the Education Code is amended to read:

3301.5. In any proposal to form a community college district which includes territory of high school or unified districts maintaining community colleges, the county committee may include a provision for the authorization of a tax rate for the community college district of not more than ten cents (\$0.10) for a period of not more than 10 years, which shall be in addition to the maximum rate of tax for such districts established pursuant to Sections 20751 and 20803, the proceeds of which shall be used only for the purpose of paying all or a portion of the cost of acquiring real and personal property used for community college purposes by such districts.

The property shall be acquired on such terms as may be agreed upon by the governing boards of the community college district and the high school and unified districts concerned.

The provisions authorized by this section shall be considered an integral part of the plans and recommendations of the county committee and shall not be construed as a separate proposition.

In event the revenue from the tax authorized by this section exceeds that which is needed for the acquisition of the property, the excess shall be deposited to the credit of the special reserve fund of the community college district.

SEC. 27. Section 3306 of the Education Code is amended to read:

3306. If the plans and recommendations of the county committee are rejected by the voters, the county committee shall resurvey the

territory in the manner hereinbefore provided and make plans and recommendations.

When the new plans and recommendations are identical with those previously submitted, the county committee, without resubmitting the plans to the State Board of Education, may determine that a second election shall be held thereon not later than a year from the previous election. The county superintendent of schools shall thereupon call and conduct an election as provided in this article.

When the new plans and recommendations are not identical with those previously submitted to the State Board of Education, or when they are identical but the county committee does not make the determination referred to above in this section, the county committee shall transmit the new plans and recommendations to the State Board of Education. If the State Board of Education approves the new plans and recommendations, the county superintendent of schools shall thereupon call and conduct the election as provided in this article.

SEC. 28. Section 3384 of the Education Code is amended to read:
3384. When the county committee has received a petition for dissolution as provided in this article, the committee shall study the district in the manner provided in Article 4 (commencing with Section 3201).

SEC. 29. Section 3385 of the Education Code is amended to read:
3385. The county committee shall study the territory included in the unified school district and shall formulate plans and recommendations to be submitted to the State Board of Education for the dissolution of the unified school district.

The State Board of Education shall act on the matter within 90 days of the receipt of the plans and recommendations of the county committee.

SEC. 30. Section 5202 of the Education Code is amended to read:
5202. Notwithstanding any other provision of Sections 5201 to 5210, inclusive, and Section 5901, the governing board of any school district may declare a holiday in the public schools under its jurisdiction when good reason exists.

SEC. 31. Section 8124 of the Education Code is repealed.

SEC. 32. Section 8125 of the Education Code is repealed.

SEC. 33. Section 8126 of the Education Code is repealed.

SEC. 34. Section 11003 of the Education Code is repealed.

SEC. 35. Section 11301 of the Education Code is amended to read:
11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school

pursuant to Section 11404.

The minimum schoolday for pupils in kindergartens is 180 minutes inclusive of recesses, and no units of average daily attendance shall be credited for attendance in kindergarten classes if the minimum schoolday of such classes is less than 180 minutes.

For the purposes of this article, a day of attendance in special training schools or classes defined by Section 6903 is based on a 180-minute minimum day. When the minimum day is less than 180 minutes, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

SEC. 36. Section 13345 of the Education Code, as amended and renumbered by Chapter 438 of the Statutes of 1971, is amended and renumbered to read:

13344. On and after July 1, 1974, each school with a substantial population of students of diverse ethnic backgrounds shall provide an in-service preparation program designed to prepare teachers and other professional school service personnel to understand and effectively relate to the history, culture, and current problems of these students and their environment. For purposes of this article a school shall be considered to have a substantial population of students of diverse ethnic backgrounds where 25 percent or more of all the students in the school are of diverse ethnic backgrounds.

SEC. 37. Section 13346 of the Education Code, as amended and renumbered by Chapter 438 of the Statutes of 1971, is amended and renumbered to read:

13344.1. The Department of Education shall develop a list of approved courses which shall be considered acceptable for meeting the requirements of this article. The department shall cause a list of approved courses to be published and distributed to interested teachers, administrators, and governing boards of school districts. The department shall be responsible for coordinating the efforts of school districts and colleges to develop adequate course offerings to satisfy the requirements of this article.

SEC. 38. Section 13347 of the Education Code, as amended and renumbered by Chapter 438 of the Statutes of 1971, is amended and renumbered to read:

13344.2. In-service programs designed to fulfill the requirements of this article may include, but need not be limited to, courses offered by community colleges and colleges and universities approved by the State Board of Education. A district may provide an in-service program consisting in whole or in part of preparation other than college courses.

Such a program shall be developed cooperatively with the Department of Education and shall have prior approval of the Department of Education. An in-service program which meets the intent of this article shall encompass the history, culture, and current problems of the students of diverse ethnic background.

All college courses approved by the Department of Education for the purposes of this article shall be considered acceptable for salary

credit purposes by any school district. District in-service programs shall specify an amount of equivalent credit which shall be acceptable for salary credit purposes in the school district providing the in-service program.

SEC. 39. Section 13348 of the Education Code, as amended and renumbered by Chapter 438 of the Statutes of 1971, is amended and renumbered to read:

13344.3. The Department of Education shall provide in its budget for the necessary funds to employ appropriate staff to implement the intent of this article.

SEC. 40. Section 13349 of the Education Code, as amended and renumbered by Chapter 438 of the Statutes of 1971, is amended and renumbered to read:

13344.4. The Department of Education shall make a progress report to the Legislature not later than the fifth legislative day of the 1972 Regular Session. The department shall further report not later than the fifth legislative day of the 1974 Regular Session the number of districts to which this article is applicable at that time and the extent to which implementation has been achieved. The department shall continually evaluate the results of this article.

SEC. 41. Section 13722.2 of the Education Code is repealed.

SEC. 42. Section 17208 of the Education Code is amended to read:

17208. Except as provided in this section, any election held for the purpose of permitting a school district to exceed the expenditure of school district funds fixed by the Constitution or by the statutes of the state shall be called, held, and conducted as nearly as possible as are elections for the issuance of school district bonds.

The notice of election shall contain only the following:

- (a) The time and place or places of holding the election.
- (b) The names of the officers appointed to conduct the election.
- (c) The hours during the day in which the polls will be open.
- (d) The amount by which it is proposed to increase the expenditures of the district during the school year.
- (e) The total amount of proposed expenditures of the district, including the proposed increase, for the school year.

The ballots used at the election shall contain the following language: "Shall the total authorized expenditures of the district be increased from _____ (naming the sum) to _____ (naming the sum) for the school year _____ (naming the school year)?"

The hours during which the polls at the election are open shall be fixed in accordance with the provisions of Section 14206 of the Elections Code.

SEC. 43. Section 17305 of the Education Code is amended to read:

17305. (a) There is appropriated annually from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the department a sum as necessary to establish and maintain a unit for driver instruction within the Department of Education as set forth in Section 18251.4.

(b) In addition, subject to the provisions of Section 17305.5, there

shall be provided from the General Fund to the State School Fund in each fiscal year such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts, county superintendents of schools, the California Youth Authority and the State Department of Education for the actual cost of instructing pupils in the operation of motor vehicles.

The amount shall not exceed fifty dollars (\$50) per pupil instructed in automobile driver training in accordance with the rules and regulations of the State Board of Education.

(c) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts, county superintendents of schools, the California Youth Authority and the State Department of Education for the actual cost of replacing vehicles and simulators used exclusively in automobile driver training programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of fifty dollars (\$50) per pupil instructed, and (2) expended by the district, the county superintendent of schools, the California Youth Authority and the State Department of Education in replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in driver training programs.

(d) For purposes of computing reimbursement, whenever a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 44. Section 17308 of the Education Code is amended to read: 17308. The county school service fund contingency account is hereby established in the General Fund. In each fiscal year the amount credited to the account shall be one hundred thousand dollars (\$100,000). Notwithstanding any provision of Section 17301 to the contrary, the amount to be credited to the county school service fund contingency account each fiscal year shall not be transferred from the General Fund as required or authorized to be transferred by Section 17301 but the amounts required or authorized to be transferred by Section 17301 shall be reduced by the amount to be credited to the contingency account and shall remain in the General Fund to the credit of the contingency account.

The money in the General Fund to the credit of the contingency account shall be transferred by the Controller to the State School Fund in amounts as are certified from time to time by the

Superintendent of Public Instruction to be necessary to meet actual costs to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to Section 20105 and to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with cooperative county publication projects by the county superintendent of schools or members of his staff, and to reimburse county superintendents of schools for expenses incurred in making emergency financial grants to school districts pursuant to Section 8955 895.6.

Commencing with the 1964-65 fiscal year, the amount credited, pursuant to this section, in each fiscal year to the county school service fund contingency account in the General Fund shall be reduced by the amount of the balance remaining to the account on June 30 of the preceding fiscal year and an equal reduction shall be made in the amount of the reduction in the amounts required or authorized to be transferred under Section 17301 in accordance with this section.

SEC. 45. Section 25413.1 of the Education Code is amended to read:

25413.1. When a community college district, members of the governing board of which are also members of the governing board of a city school district with an average daily attendance of 400,000 or more in grades kindergarten through 12, serves a greater area than the city school district, the persons who serve as members on the governing board of the community college district shall not serve also as members of the city school district board. Those persons who serve as members of the governing boards of both the community college district and the city school district shall, on or before December 31, 1968, elect on which of the two boards they will continue to serve. Those persons who elect to serve as members of either the governing board of the community college district or the governing board of the city school district shall continue to serve also as members of the governing board from which they have elected to withdraw until their successors on such board are elected at the governing board election next following December 31, 1968, and have assumed office.

Prior to December 1, 1968, the governing board shall identify each position the wages or salary of which is paid in whole or in part from the funds of the community college district and shall so notify each incumbent. Each employee whose regular-position wages or salary is paid exclusively from the funds of either district as of June 30, 1969, shall be deemed on July 1, 1969, to be an employee of the district paying the wages or salary. Each classified employee whose regular-position wages or salary was upon written notification made after July 1, 1968, paid in part from community college district funds and in part from city school district funds, and each certificated employee paid 50 percent or more from the funds of the community college districts, shall make an irrevocable, written election on or

before December 31, 1968, as to the district in which he will serve. Upon the effective date of the election, a classified employee in either district shall have the right, based upon his seniority in the position classification in which he is then serving, to transfer to a position in the same position classification in the other district and to displace a classified employee with lesser seniority in such class employed in the other district, under rules established by the personnel commission serving the city school district. Should such an employee fail to make such election he shall be deemed to have elected to serve the city school district. Such election shall become effective on July 1, 1969, unless the employee has prior to June 30, 1969, voluntarily accepted regular assignment to a regular position the wages or salary of which is paid on June 30, 1969, exclusively by one district, and he is the incumbent in such position on said date. After June 30, 1969, no such employee shall have tenure or classification as a permanent employee in other than the district in which he elects to serve.

If both the city school district and the community college district have adopted a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3, Division 10 of this code, and were served by a single personnel commission as provided in Section 13705, then a new personnel commission shall be appointed for the community college district effective January 1, 1969, or as soon thereafter as possible, under the procedures applicable to the original appointments to the personnel commission which has served both districts. Subsequent appointments shall be made in accordance with Section 13707.4. The new personnel commission shall be empowered to meet prior to July 1, 1969, for the purpose of appointing a personnel director, and may enter into a contract with the personnel commission which has served both districts for the necessary selection procedures. It may also take action on all other matters necessary for the orderly transition of responsibility between the two personnel commissions. The new personnel commission shall appoint a personnel director in the manner provided in Section 13717 within 90 days after the appointment of at least two of its members, but not before July 1, 1969. The personnel commission which had served both districts may continue to serve both districts pursuant to the terms of a contract which may be entered into by the personnel commissions of both school districts until such time as the newly appointed personnel commission determines that it can serve the community college district.

Except as otherwise provided in this section, the rights, benefits and burdens of regular classified employees of both the city school district and the community college district shall be fixed in accordance with the provisions of Sections 13584 and 13584.1. The personnel commission of the community college district shall initially adopt the rules of the personnel commission which had served both districts. The governing board of the community college district shall fix the compensation of classified employees in

accordance with Section 13601.5. The community college district shall maintain for a period of two years after June 30, 1969 at least the same benefits of salary, vacation, hospital-medical insurance, paid illness leave, and other paid leaves provided for classified employees on June 30, 1969.

A classified employee who has probationary status in either district on June 30, 1969, shall remain in probationary status, with accumulated seniority credit, until he completes his probationary period. A classified employee who has permanent status on June 30, 1969, shall have the rights and privileges listed below on and after the separation of the community college and city school boards of education:

(a) Seniority for all purposes for all creditable service, as provided by the rules of the appropriate personnel commission, in either district.

(b) In case of layoff from one district the right of reemployment in the other district, including the exercise of bumping rights, if the employee has the least seniority in his class in the employing district. Such reemployment and bumping rights shall apply to employees laid off on or before June 30, 1970; and through August 31, 1970, to employees whose layoff or bumping would have been effective as of June 30, 1970, except for delay caused by the process of determining relative seniority and bumping rights of employees. Subject to the approval of the employing district, the privilege of being reinstated after layoff in either district in a parallel class for a period of 27 months commencing July 1, 1970.

(c) Subject to the approval of the employing district, the privilege of reinstatement after resignation or voluntary demotion, and the privilege of transfer or voluntary demotion in either district, with the approval of both districts, for a period of 39 months after July 1, 1969.

(d) The right to compete in promotional examinations in both districts through June 30, 1970, for classes for which he is qualified.

(e) The retention of all accrued vacation and illness leave benefits.

All classified eligibility lists which are in effect on June 30, 1969, shall continue to be in effect in both districts, for applicable classes, until they expire in accordance with Section 13738. Employees of both the city school district and the community college district who are on such lists on June 30, 1969, may be certified for and may accept appointments to positions in either district.

For the purposes of Section 13723, the community college district shall be deemed to be a school district which had already adopted the merit system prior to the amendment of Section 13723 in 1965.

It is the intent of the Legislature in enacting this act to continue the rights, benefits, and privileges of regular classified employees, insofar as practicable, without disruption which may be caused by the separation of the community college and city boards of education.

Any part or all of the land, buildings, fixtures, leases, and other real

property which are jointly owned by the city school district and the community college district may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the community college district, to the community college district for its proportionate interest in such real property. Such payments may be made in installments over a five-year period, commencing July 1, 1969. Not less than 20 percent of such proportionate interest of the community college district shall be paid in any one installment. Such property shall be valued at its insurable value as of May 1, 1969. In cases where the value of real property cannot be established by reference to insurable value the market value of the property shall be used for valuation purposes. In order to provide for such payments, and for cash payments authorized in this section for the purpose of purchasing equipment, supplies, fixtures, vehicles, and other personal property, the maximum school district tax for such city school district is hereby increased by such amount as will produce the amount of such payments made pursuant to this section, and the increase shall be in addition to any other school district tax authorized by law to be levied. Such maximum school district tax increase may be levied commencing July 1, 1968, and shall remain in effect until all payments to the community college district for its interest in such real and personal property have been made.

All equipment and supplies, including fixtures, and other personal property located in any school shall remain with and become the property of the district operating such school. Any part or all of the equipment, supplies, fixtures, and other personal property, located in a facility owned jointly by both such districts, and which property has been used jointly by both such districts may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the community college district, to the community college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

Equipment, supplies, and other stores possessed jointly by both districts as of July 1, 1969, shall be distributed in kind or in cash value in accordance with the costs as reflected in the records of the community college district and the city school district.

Vehicles jointly owned or jointly used by the city school district and by the community college district, including those used for grading, landscaping, building or ground maintenance, cleaning, and for materials handling purposes, regardless of location, may, at the option of the city school district, become the property of the city school district, subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the community college district, to the community college district for its proportionate interest in such personal property. Such personal

property shall be valued at its insurable value as of May 1, 1969.

One district may contract with the other district for the performance of services under such terms and conditions as may be agreed upon by the two districts.

Whenever in this code a section refers to a district, or to two or more districts, governed by a single governing board, or by governing boards of identical personnel, or to a district or districts in which the average daily attendance is in excess of 400,000, or makes a similar such reference, all provisions of such section shall apply with equal force to both such city school district and community college district.

SEC. 46. Section 25413.5 of the Education Code is amended to read:

25413.5. The provisions of Article 4 (commencing with Section 1161) of Chapter 4 of Division 4 regarding vacancies on school district governing boards are incorporated into this article as if fully set out herein so as to be applicable to vacancies on the governing boards of community college districts.

SEC. 47. Section 25445 of the Education Code is amended to read:

25445. Upon the formation of a community college district the boundaries of which are coterminous with the boundaries of a single existing high school district of any type and which districts are thereafter governed by governing boards of identical personnel, if prior to the formation of such community college district the voters of the high school district at an election had voted a district tax rate in excess of the maximum rate prescribed by Section 20751 such excess tax rate shall be continued at the option of the governing boards of the high school and community college districts as the maximum combined tax rate of both of said districts for combined high school and community college purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of the high school and community college districts, and while both districts are governed by governing boards of identical personnel, the governing boards of such districts may, by resolution, divide said maximum combined tax rate between the two districts, provided that the resulting maximum tax rate for either of the districts shall not be established at a rate lower than the applicable rate or rates established by Section 20751.

As used in this section, "high school district" includes a unified school district, and "high school purposes" includes unified school district purposes.

SEC. 48. Section 25450.3 of the Education Code is amended to read:

25450.3. The governing board of the petitioning district shall, in accordance with the petition, by an order entered on its minutes, transfer to the new community college any property of the petitioning district used for community college purposes the transfer

of which was provided for in the petition. The order shall be effective on the date upon which the new community college district becomes effective for all purposes.

SEC. 49. Section 25476.5 of the Education Code is amended to read:

25476.5. The petition shall be accompanied by a verified copy of a resolution adopted by the governing board of the community college district named in the petition consenting to the annexation thereto of the high school district. Upon receipt of the petition and the resolution of consent, the board of supervisors shall call an election to be held in each elementary school district in the high school district named in the petition for the purpose of determining whether the high school district shall be annexed to the community college district.

SEC. 50. Section 25477 of the Education Code is amended to read:

25477. The election shall be called, held, and conducted in the same manner as are the elections of governing boards of elementary school districts, except that the words to appear upon the ballot shall be:

"For annexation to _____ (insert name) Community College District--Yes" and "For annexation to _____ (insert name) Community College District--No."

SEC. 51. Section 25477.5 of the Education Code is amended to read:

25477.5. If it appears that a majority of all votes cast at the election were cast in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the community college district. Upon the making of the order the annexation shall be deemed to have been made effective pursuant to the provisions of Sections 1701 and 1703.

SEC. 52. Section 25482 of the Education Code is amended to read:

25482. Whenever a community college district is annexed to another community college district pursuant to this article, all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district.

SEC. 53. Section 25502.5 of the Education Code is amended to read:

25502.5. Each community college shall provide for the education of pupils in the 13th and 14th grades and for the education of such adults and minors as may properly be admitted but who are not classifiable by grade.

Persons 21 years of age or over enrolled in less than 10 class hours as defined in Section 11480 in classes of any kind whatsoever maintained in connection with a community college, except classes maintained in English and citizenship for foreigners, classes in elementary subjects, and classes which are required in order that the participant may qualify for a high school diploma, where no charge of any kind shall be made, may be required by the governing board of the district maintaining the class to pay a tuition for such classes.

The total of the tuition required and the apportionments from the State School Fund on account of the attendance in the classes shall not exceed the estimated cost of all such classes maintained.

SEC. 54. Section 25505.15 of the Education Code is amended to read:

25505.15. No fee may be charged to any apprentice who is not a resident of California for attendance in a California community college in classes of related and supplemental instruction as provided under Section 3074 of the Labor Code and in accord with the requirements as set forth in subdivision (d) of Section 3078 of that code.

SEC. 55. Article 6 (commencing with Section 25546.13) of Chapter 7 of Division 18.5 of the Education Code is repealed.

SEC. 56. Section 27113 of the Education Code is amended to read: 27113. As used in this chapter:

(a) "Public agency" means a county, city and county, city, or any district or other agency (including but not limited to an agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) authorized by law to provide public library services.

(b) "Library" means a single public library, or two or more such libraries, operated by a public agency.

(c) "System" means a library system formed pursuant to this chapter.

(d) "Plan of service" means a statement describing the specific purposes for which a system is formed, the means and the agencies by which such purposes are to be accomplished, and an estimate of the funds necessary for their accomplishment and the public agency or agencies who are to receive those funds.

SEC. 57. Section 27126 of the Education Code is amended to read: 27126. The formation of a library system shall be accomplished in the following manner:

(a) An application for grants shall be submitted to the State Librarian, together with a plan of service approved by the participating public agency or agencies. The application for grants shall be accompanied by an official resolution passed by the city council in the case of a city, the county board of supervisors with respect to county libraries, or the governing board of a library district with respect to library district libraries. The system plan of service shall be incorporated by reference in the resolution. A plan of service shall, among other things, where a cooperative library system is involved, designate an executive committee for the system appointed by the governing bodies of the appropriate public agencies.

(b) The State Librarian shall not approve an application until funds are available for the grants sought.

(c) If the State Librarian approves the plan of service and the application, the public agency or agencies shall execute a contract with the State Librarian specifying the services to be rendered in

order to implement the plan of service. The contracts shall be subject to the limitations provided in Article 4 (commencing with Section 27121) and shall contain the minimum provisions specified in Section 27132.

SEC. 58. The heading of Article 7 (commencing with Section 31900) of Chapter 5 of Division 22 of the Education Code is repealed.

SEC. 59. Section 61 of the Elections Code is amended to read:

61. The county clerk of any county, in submitting to the Legislature for ratification a proposed county charter or amendment to a county charter, shall submit with such charter or amendment, the following:

(a) Certified copies of all publications and notices required of the county by Chapter 5 (commencing with Section 23700) of Division 1 of Title 3 of the Government Code or by the laws of this state in connection with an election to propose or amend a county charter.

(b) Certified copies of any arguments for or against the proposed charter or amendments to a charter which were mailed to voters pursuant to Section 3783.

(c) A certified abstract of the vote at the election at which the proposed charter or amendment to a charter was approved by the voters.

SEC. 60. Section 62 of the Elections Code is amended to read:

62. The city clerk of any city, in submitting to the Legislature for ratification a proposed city charter or amendment to a city charter, shall submit with such charter or amendment, the following:

(a) Certified copies of all publications and notices required of the city by Chapter 3 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code or by the laws of this state in connection with an election to propose or amend a city charter.

(b) Certified copies of any arguments for or against the proposed charter or amendments to a charter which were mailed to voters pursuant to Section 5012.

(c) A certified abstract of the vote at the election at which the proposed charter or amendment to a charter was approved by the voters.

SEC. 61. Section 4011 of the Elections Code is amended to read:

4011. If the initiative petition is signed by not less than 15 percent of the voters of the city according to the county clerk's last official report of registration to the Secretary of State, or in a city with 1,000 or less registered voters the signatures of 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall either:

(a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented; or

(b) Immediately order a special election, to be held not less than 74 nor more than 89 days after the date of the order, at which the

ordinance, without alteration, shall be submitted to a vote of the voters of the city.

SEC. 62. Section 14971 of the Elections Code is amended to read:

14971. The Chairman of the Senate Standing Committee on Elections and Reapportionment and the Chairman of the Assembly Standing Committee on Elections and Reapportionment shall meet with the commission and participate in the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this chapter, the chairman of the committees named shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 63. Section 18984 of the Financial Code is amended to read:

18984. An appeal may be taken from the judgment of the court by the commissioner or by Guaranty Corporation in the manner provided by law for appeals from the judgment of a superior court. An appeal from the judgment of the court does not operate as a stay of the judgment unless the court, on good cause, so orders. No bond need be given if the appeal be taken by the commissioner but if the appeal be taken by Guaranty Corporation a bond shall be given as required by Sections 917.2 and 917.5 of the Code of Civil Procedure as condition to any stay.

SEC. 64. The heading of Chapter 6 (commencing with Section 1950) of Division 4 of Title 1 of the Government Code is repealed.

SEC. 65. The heading of Article 3 (commencing with Section 2000) of Chapter 6 of Division 4 of Title 1 of the Government Code is repealed.

SEC. 66. Section 9107 of the Government Code is amended to read:

9107. There is hereby created the Joint Rules Committee which shall have the membership specified in the Joint Rules of the Senate and the Assembly. The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee herein created and it shall have all the powers and authority provided in said rules, in Section 11 of Article IV of the Constitution of California, and in this article. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate members and a majority of the Assembly members of the committee.

SEC. 67. Section 9107.5 of the Government Code is amended to read:

9107.5. Any reference in any code or statute to the Joint Committee on Legislative Organization shall be deemed a reference to the Joint Rules Committee.

SEC. 68. Section 9108 of the Government Code is amended to read:

9108. The first floor of the annex of the State Capitol is excepted from the provisions of this article. Such excepted space shall continue under the control of the Department of General Services. All other space in the State Capitol Building and all annexes and additions thereto shall be allocated from time to time by the Joint Rules Committee in accordance with its determination of the needs of the Legislature and the two houses thereof. Said committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole, including but not limited to press quarters, billrooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. Said committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by such houses and their committees and the officers, employees, and attachés thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

SEC. 69. Section 9109 of the Government Code is amended to read:

9109. The determination of the Joint Rules Committee as to the needs of the Legislature shall be subject to change only by action of said committee or by concurrent resolution. If, at any time, said committee determines that there is space in the State Capitol Building in excess of the needs of the legislative branch of the state government it may release such space for use by the executive branch of the state government until such time as such space is needed by the legislative branch. Such release shall be effected by notifying the Director of General Services that certain described space is not necessary for the use by the Legislature for the time being. Thereafter the Department of General Services, until such time as the Director of General Services is notified that the space has become needed by the legislative branch, shall have the same jurisdiction over such excess space as if this article had not been enacted.

SEC. 70. Section 9111 of the Government Code is amended to read:

9111. The Joint Rules Committee may participate in the work of the National Conference of State Legislative Leaders. The following Members of the Legislature are authorized to act as members of the committee for the purpose of attending meetings of the conference: (1) the President pro Tempore of the Senate, and one Member of the Senate from each of the two major political parties, appointed by the Senate Committee on Rules, and (2) the Speaker, Speaker pro Tempore, Majority Floor Leader, and Minority Floor Leader of the Assembly, and the Chairman of the Assembly Committee on Rules.

The committee may pay annually from the Contingent Funds of the Assembly and Senate its proportionate share of the expenses of the National Conference of State Legislative Leaders, in participation with other states, to the extent that funds are

appropriated for that purpose.

SEC. 71. Section 9112 of the Government Code is amended to read:

9112. Notwithstanding any other provision of law, the Joint Rules Committee may contract, on such terms and conditions as it deems to be in the best interests of the state, for the sale of souvenir pieces of the State Capitol Building.

SEC. 72. Section 9127 of the Government Code is amended to read:

9127. Unless specifically exempted from this section, all appropriations for contingent expenses of the Assembly and legislative committees thereof, including appropriations previously made which have not reverted to the General Fund, shall be deposited in and credited to the Assembly Contingent Fund, which fund is created in the State Treasury. The money in the fund shall be available for the expenses of the Assembly and legislative committees thereof and shall be disbursed under or pursuant to the direction of the Assembly as provided in the rules, orders, and resolutions of the Assembly, or as provided by the Assembly Rules Committee (which committee has a continuing existence during sessions and between sessions with such powers, duties and responsibilities as the Assembly from time to time shall prescribe) as and when thereunto authorized by the Assembly. The money in the fund shall be disbursed, pursuant to, and the powers, duties and responsibilities of the Assembly Rules Committee shall be as provided by, the rules, orders and resolutions adopted by the Assembly at the 1949 Regular Session until modified or superseded by Assembly action at a subsequent session.

SEC. 73. Section 9708 of the Government Code is amended to read:

9708. Whenever the Senate or the Assembly undertakes to publish in a separate volume the Constitution of the State of California and related documents, the text of such a volume shall be specified by the Joint Rules Committee.

SEC. 74. Section 10204 of the Government Code is amended to read:

10204. The annual salary of the Legislative Counsel is twenty-five thousand dollars (\$25,000), or such greater amount as may be prescribed by the Joint Rules Committee. The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

SEC. 75. Section 10246 of the Government Code is amended to read:

10246. The Legislative Counsel shall not appear in any action or proceeding in the courts of this state or of the United States without the prior approval of the Joint Rules Committee. If the existence of said committee terminates such approval may be given in writing by the Speaker of the Assembly and the President pro Tempore of the Senate. Nothing in this section shall prevent the Legislature from

giving its approval for such appearance by concurrent resolution.

SEC. 76. Section 11559 of the Government Code is repealed.

SEC. 77. The heading of Article 4 (commencing with Section 12040) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code is repealed.

SEC. 78. Chapter 5.5 (commencing with Section 13480) of Part 3, Division 3, Title 2 of the Government Code is repealed.

SEC. 79. Section 14609 of the Government Code is repealed.

SEC. 80. A chapter heading is added to Part 5.7 (commencing with Section 14980) of Division 3 of Title 2 of the Government Code, immediately following the heading of said part, to read:

CHAPTER 1. GENERAL PROVISIONS

SEC. 81. Section 14983 of the Government Code is amended to read:

14983. The person holding the confidential position to which the Director of Commerce is entitled under subdivision (g) of Section 4 of Article XXIV of the State Constitution shall be the Deputy Director of Commerce.

SEC. 82. Chapter 2 (commencing with Section 14990) is added to Part 5.7 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 2. DIVISION OF ECONOMIC DEVELOPMENT

Article 1. General Provisions

14990. It is hereby declared to be the finding of the Legislature that the maintenance of the economic well-being of the State of California requires affirmative action to ensure the orderly growth of the state's industry, commerce and agriculture. This finding is based on the demonstrated need to: (a) maintain the balance between job opportunities and the labor force; (b) expand through economic development the tax base necessary to support essential governmental services; (c) maintain high levels of personal and business income; and (d) reduce the burden of unemployment relief on state and local governments. It is the intent of the Legislature that the Division of Economic Development shall provide the leadership and coordination of public and private effort necessary to the full realization of the economic potential of the state. The Division of Economic Development shall ordinarily supplement the work of existing agencies, but it may initiate action on its own behalf when the problems posed are not, in the agency's judgment, being adequately solved elsewhere.

14991. Whenever used in this chapter:

- (a) "Department" means the Department of Commerce.
- (b) "Division" means the Division of Economic Development in the Department of Commerce.

(c) "Director" means the Director of Commerce.

14992. There is in the Department of Commerce the Division of Economic Development. The head of the division shall be the Director of Commerce.

14993. (a) The Division of Economic Development succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Economic Development Agency in the Department of Finance.

(b) The Director of Commerce succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Commissioner of the Economic Development Agency.

(c) Any reference in any law to the Economic Development Agency or to the Commissioner of the Economic Development Agency shall be considered a reference to the Division of Economic Development or to the Director of Commerce, as the case may be, unless the context otherwise requires.

14993.5. The Division of Economic Development may use the unexpended balances of funds available for use by the Economic Development Agency in connection with the functions of the Economic Development Agency that are transferred to or vested in the Division of Economic Development by Section 14993. Such funds shall be used by the Division of Economic Development only for the purposes for which they were originally appropriated or otherwise made available to the Economic Development Agency.

14994. All officers and employees of the Economic Development Agency who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function transferred to or vested in the Division of Economic Development by Section 14993 shall be transferred to the Division of Economic Development. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the Division of Economic Development pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Economic Development Agency.

14995. The Division of Economic Development shall have the possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of the Economic Development Agency in the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the Economic Development Agency that are vested in the Division of Economic Development by Section 14993.

14995.5. The operations of the division are subject to the same fiscal controls and audits by the Director of Finance as are other agencies of the state government. The Director of Commerce shall furnish the personnel, equipment, supplies, housing and housekeeping services necessary to the operation of the division.

14996. The director shall serve as the Governor's principal staff

adviser on economic development. The director shall be an ex officio member of the Governor's Business Advisory Council.

14997. The director may contract with other state or private agencies, firms, or individuals for the performance of technical or specialized work.

14997.5. The division shall establish within the state such offices as may be necessary to effectuate the purposes of this chapter, and in this connection shall so locate such offices as to provide convenient, prompt and accessible service to those areas of the state which may be either losing population, or gaining population at a rate materially less than the state average.

14998. The Division of Economic Development is authorized to perform the following functions and activities:

(a) Gather, analyze, and correlate pertinent information as developed by other governmental and private agencies, and publish and disseminate statistics useful to industry, commerce, and agriculture.

(b) Sponsor or conduct studies of factors affecting the development, growth or decline of economic activity in California. Special attention shall be given to those businesses which are suitable for expansion, to those factors which hinder expansion, and to the causes of business failures.

(c) Promote and encourage the location and development of new business in the state as well as the maintenance and expansion of existing businesses, and for these purposes cooperate with public and private entities and others both within and outside the state.

(d) Develop and conduct a positive program of promotion and solicitation designed to supplement and improve local efforts to bring industry, commerce and agriculture to California and to aid in the expansion of existing businesses, through such steps as

(i) Sponsoring or conducting studies of the economic potentials of specific areas, and developing standard techniques and formats for such studies by local organizations.

(ii) Advising local communities in identifying and overcoming their handicaps to economic development, and in realizing full advantage of local resources through various self-help measures.

(e) Aid business concerns in their relationships with appropriate federal agencies such as procurement and lending agencies and the Small Business Administration.

(f) Compile periodically a census of business and industry in the state in cooperation with other agencies.

(g) Conduct such studies as are necessary to determine how the effectiveness of this agency can be improved.

(h) Prepare and submit, through the director and the Secretary of the Agriculture and Services Agency, to the Governor and the Legislature reports of the activities of the division and recommendations for such executive or legislative action as may be necessary to improve the business climate of the state.

SEC. 83. Section 24000 of the Government Code is amended to read:

24000. The officers of a county are:

- (a) A district attorney
- (b) A sheriff.
- (c) A county clerk.
- (d) A controller.
- (e) An auditor, who shall be ex officio controller.
- (f) A treasurer.
- (g) A recorder.
- (h) A license collector.
- (i) A tax collector, who shall be ex officio license collector.
- (j) An assessor.
- (k) A superintendent of schools.
- (l) A public administrator.
- (m) A coroner.
- (n) A surveyor.
- (o) Members of the board of supervisors.
- (p) A county veterinarian.
- (q) A fish and game warden.
- (r) A county librarian.
- (s) A county health officer.
- (t) An administrative officer.
- (u) A director of finance.
- (v) A road commissioner.
- (w) Such other officers as are provided by law.

SEC. 84. Section 24008 of the Government Code is amended to read:

24008. The board of supervisors may appoint a county fire warden and such assistant and deputy county fire wardens as it may consider necessary. The county fire warden shall aid in enforcing all laws and ordinances and any rules or regulations adopted by the State Board of Forestry and by the State Fire Marshal relating to fires or to fire prevention and protection. The county fire warden, and his deputies and assistants shall perform such duties relating to fires or to fire protection and prevention as are required by the board of supervisors. The county fire warden, and such assistant and deputy county fire wardens as may be designated by the county fire warden, have the powers of peace officers to make arrests without warrant for violation of any state, county, or federal fire laws, and are not liable to civil action for trespass committed in the discharge of their duties. In making any such arrests, the county fire warden, his assistants, and his deputies shall follow the procedure prescribed in Sections 4157 and 4158 of the Public Resources Code. The county fire warden, his assistants, and deputies shall serve at the pleasure of the board of supervisors and shall be paid such salaries and receive such reimbursement for mileage while traveling on official business as may be determined by the board.

Notwithstanding other provisions of this section to the contrary, if the board of supervisors of a county, in which a civil service system

has been created for county officers and employees, determines that it is necessary to provide for the appointment of a county fire warden and assistant and deputy county fire wardens, such county fire warden and assistants and deputies shall be selected and appointed pursuant to the provisions relating to such civil service system and the persons so appointed shall be entitled to all of the rights and privileges, and subject to all of the provisions, provided by such system in the same manner and to the same extent as other county officers and employees included in such system. This paragraph does not apply to any county in which the office of county fire warden, or assistant or deputy county fire warden is or has been excluded from the civil service system.

SEC. 85. The heading of Article 1.1 (commencing with Section 26620) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code is amended to read:

Article 1.1. Sheriff as Ex Officio Director
of Emergency Services

SEC. 86. Section 35124.1 of the Government Code is amended to read:

35124.1. Within five days after a special election is called pursuant to Section 35122, the city legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county in which the city is located. Such written notice shall include the name of the annexing city and a description of the boundaries of the territory proposed to be annexed. Written notice required by this section may be made in the form of a certified copy of the resolution adopted by the city legislative body calling the annexation election.

The executive officer, within five days after being notified that an annexation election has been called pursuant to Section 35122, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed annexation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the territory proposed to be annexed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the city clerk.

SEC. 87. Section 68541 of the Government Code is amended to read:

68541. (a) The additional compensation or extra compensation of a judge of a justice court sitting in another justice court or a municipal court under assignment made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the assignment is made.

(b) If the justice court judge is assigned to a municipal court in another county, the county to which such judge is assigned shall reimburse the county in which such judge was selected as a justice court judge in an amount equal to that portion of the regular salary of such judge paid for the time he was serving in the other court. This reimbursement shall be made from the same funds from which the extra compensation is paid.

(c) If the justice court judge is assigned to a justice court in another county, he shall be paid as additional compensation an amount equal to the compensation of the judge of the justice court to which the assignment is made less any amount by which the sum of his regular compensation as a justice court judge and the compensation of the judge of the justice court to which the assignment is made exceeds the regular salary of a municipal court judge for a comparable period. The county to which such judge is assigned shall reimburse the county in which such judge was selected as a justice court judge in an amount equal to any amount by which the sum of his regular compensation as a justice court judge and the compensation of the judge of the justice court to which the assignment is made exceeds the regular salary of a municipal court judge for a comparable period. The additional compensation and reimbursement shall be paid from the same funds as are available for payment of the compensation of the judge of the court to which the assignment is made.

SEC. 88. Section 71140 of the Government Code is amended to read:

71140. The judges of a municipal court and the judges, constables, and deputy constables of a justice court shall be residents eligible to vote in the judicial district or city and county in which they are elected or appointed for a period of at least 54 days prior to the date of their election or appointment. This requirement shall not affect the right of any person to automatically succeed to an office or position pursuant to Sections 71080 to 71083, inclusive, and Sections 71085 to 71090, inclusive, nor the right of any person to be constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs. This requirement shall not apply to the incumbent constable of a superseded justice's court, whose residence is in the township in which the superseded court existed but not included in the judicial district as fixed by the board of supervisors, and who succeeds to the office of constable of such court or is elected thereto at the first election of constables under this act or who seeks reelection to such office.

This requirement shall not apply to a judge of a municipal court for the rest of his unexpired term and for one successive term of office for which he is subsequently reelected when:

(a) He has succeeded to office under the provisions of Section 71083 and his residence is not in the annexed district.

(b) Part of a municipal court district is annexed to another

municipal court district and the judge of the original district lives in the part that is annexed.

SEC. 89. Section 1685 of the Health and Safety Code is amended to read:

1685. The governing body of a city, county, city and county or school district may employ one or more school audiometrists, each of whom shall be registered with the State Board of Public Health and possess such qualifications as may at the date of registration be prescribed by the state board.

Audiometric testing as conducted by the qualified school audiometrist, pursuant to Section 13300 of the Education Code, or by other qualified certificated school personnel, as defined in Sections 11751 and 11824 of the Education Code, shall meet the standards which the State Board of Public Health determines necessary to insure the adequacy of hearing testing in the schools. Subject to Section 11822 of the Education Code, audiometric tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools, health departments or other agencies that provide qualified personnel to conduct such tests.

SEC. 90. Section 1686 of the Health and Safety Code is amended to read:

1686. The State Board of Public Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists and to qualified supervisors of health, pursuant to Sections 11751 and 11823 of the Education Code. The state board shall prescribe such qualifications as may be necessary for the testing of the hearing of schoolchildren.

Candidates for registration who present evidence of having satisfactorily completed the required training in audiology and audiometry at an accredited university or college, as prescribed by the State Board of Public Health, may be issued certificates of registration without further examination.

The state board shall require a registration fee not in excess of ten dollars (\$10) for each certificate issued. Such fee shall be based upon a determination by the board as to the amount that is reasonably necessary to pay for the costs of the issuance of certificates of registration.

SEC. 91. Section 11919 of the Health and Safety Code, as added by Chapter 1486 of the Statutes of 1970, is amended and renumbered to read:

11920. Notwithstanding any other provision of law, no restricted dangerous drug, in solid or capsule form, shall be sold, furnished, or distributed in this state unless it has on the drug if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such drug.

This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such restricted dangerous drug in the course of his practice as a pharmacist for direct dispensing by

him upon a prescription of any person licensed to prescribe such restricted dangerous drugs.

SEC. 92. Section 12007 of the Health and Safety Code, as added by Chapter 1421 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 12007 of the Health and Safety Code, as added by Chapter 1425 of the Statutes of 1970.

SEC. 93. Section 12102.1 of the Health and Safety Code, as added by Chapter 1421 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 12102.1 of the Health and Safety Code, as added by Chapter 1425 of the Statutes of 1970.

SEC. 94. Section 12105.1 of the Health and Safety Code, as added by Chapter 1421 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 12105.1 of the Health and Safety Code, as added by Chapter 1425 of the Statutes of 1970.

SEC. 95. Section 12105.2 of the Health and Safety Code, as added by Chapter 1421 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 12105.2 of the Health and Safety Code, as added by Chapter 1425 of the Statutes of 1970.

SEC. 96. Section 26052 of the Health and Safety Code is amended to read:

26052. The provisions of this division shall be so construed as to not be in conflict with the provisions of the Agricultural Code of this state, or with the provisions of the Alcoholic Beverage Control Act, Division 9 (commencing with Section 23000) of the Business and Professions Code, and the rules and regulations adopted pursuant thereto.

SEC. 97. The heading of Article 2 (commencing with Section 26510) of Chapter 5 of Division 21 of the Health and Safety Code is amended to read:

Article 2. Standard of Identity, Quality, and Fill

SEC. 98. Section 39052 of the Health and Safety Code is amended to read:

39052. The board shall:

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the state department, Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board

shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board. If the board finds, after public hearing, that any rule or regulation of a local or regional authority submitted to it will not achieve applicable air quality standards, it may repeal such rule or regulation and promulgate a rule or regulation which it finds would achieve such standards. Such rule or regulation shall have the same force and effect as a rule or regulation adopted by the local or regional authority, and shall be enforced by the local or regional authority.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(h) Adopt formal procedures, after consultation with the state department, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures. The board may revise any test procedures which it has adopted when the development and

improvement of testing techniques and testing instruments warrants such revision in the judgment of the board. If the board revises such test procedures, it may establish revised emission standards for new motor vehicles which standards shall be applicable when such revised test procedures are used in testing vehicles. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(l) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars (\$50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 99. Section 39069 of the Health and Safety Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 39069 of the Health and Safety Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 100. Section 39070 of the Health and Safety Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made

by this section shall not affect the existence or validity of Section 39070 of the Health and Safety Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 101. Section 39071 of the Health and Safety Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 39071 of the Health and Safety Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 102. Section 39072 of the Health and Safety Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 39072 of the Health and Safety Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 103. Section 39073 of the Health and Safety Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 39073 of the Health and Safety Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 104. Section 39074 of the Health and Safety Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Section 39074 of the Health and Safety Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 105. Section 1802.6 of the Insurance Code is amended to read:

1802.6. The holder of a bail permittee's license may, upon filing of proper documents specified in Section 1802.1, receive a bail agent's license without procuring the additional bond specified in Section 1802.

SEC. 106. Section 6010 of the Insurance Code is amended to read:

6010. The following is adopted as the standard form of county mutual fire insurer's policy for this state:

CALIFORNIA STANDARD FORM OF COUNTY FIRE
INSURANCE POLICY

No.

(Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy.)

(Space for listing amounts of insurance, rates and premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached.)

In consideration of the provisions and stipulations herein or added hereto, of the obligations herein and in the application, and of _____ dollars premium this company, for the term of ___ from

the _____ day of _____, 19__ } at 12:01 a.m.,
to the _____ day of _____, 19__ } standard time,
at location of property involved, to an amount not exceeding
_____ dollars, does accept as a member and insure _____ and
legal representatives, to the extent of the actual cash value of the
property at the time of loss, but not exceeding the amount which it
would cost to repair or replace the property with material of like
kind and quality within a reasonable time after such loss, without
allowance for any increased cost of repair or reconstruction by reason
of any ordinance or law regulating construction or repair, and
without compensation for loss resulting from interruption of business
or manufacture, nor in any event for more than the interest of the
insured, against all LOSS BY FIRE, LIGHTNING AND BY
REMOVAL FROM PREMISES ENDANGERED BY THE PERILS
INSURED AGAINST IN THIS POLICY, EXCEPT AS
HEREINAFTER PROVIDED, to the property described hereinafter
while located or contained as described in this policy, or pro rata for
five days at each proper place to which any of the property shall
necessarily be removed for preservation from the perils insured
against in this policy, but not elsewhere.

For a more particular description, and as forming a part of this
policy, reference is had to application No.____ on file in the office of
this company.

This policy is made and accepted subject to the foregoing
provisions and stipulations and those hereinafter stated, which are
hereby made a part of this policy, together with such other
provisions, stipulations and agreements as may be added hereto, as
provided in this policy.

The charter and bylaws of this company are to be resorted to and
used to explain the rights and obligations of the parties hereto in all
cases not herein otherwise specially provided for, and are hereby
made a part of this policy. This policy is made and accepted upon the
above expressed condition.

IN WITNESS WHEREOF, this company has executed and attested
these presents; but this policy shall not be valid unless countersigned
by the duly authorized secretary of this company at _____.

Secretary. President.
Countersigned this _____ day of _____, 19__.
_____Secretary.

Concealment, fraud

This entire policy shall be void if, whether before or after a loss,
the insured has willfully concealed or misrepresented any material
fact or circumstance concerning this insurance or the subject
thereof, or the interest of the insured therein, or in case of any fraud
or false swearing by the insured relating thereto.

Uninsurable and excepted property

This policy shall not cover accounts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

Perils not included

This company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: (a) enemy attack by armed forces, including action taken by military, naval or air forces in resisting an actual or an immediately impending enemy attack; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction at the time of and for the purpose of preventing the spread of fire; provided, that such fire did not originate from any of the perils excluded by this policy; (i) neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises; (j) nor shall this company be liable for loss by theft.

Other insurance

Other insurance may be prohibited or the amount of insurance may be limited by endorsement attached hereto.

Conditions suspending or restricting insurance

Unless otherwise provided in writing added hereto this company shall not be liable for loss occurring (a) while the hazard is increased by any means within the control or knowledge of the insured; or (b) while a described building, whether intended for occupancy by owner or tenant, is vacant or unoccupied beyond a period of 60 consecutive days; or (c) as a result of explosion or riot, unless fire ensue, and in that event for loss by fire only.

Other perils or subjects

Any other peril to be insured against or subject of insurance to be covered in this policy shall be by endorsement in writing hereon or added hereto.

Added provisions

The extent of the application of insurance under this policy and of the contribution to be made by this company in case of loss, and any other provision or agreement not inconsistent with the provisions of this policy, may be provided for in writing added hereto, but no

provision may be waived except such as by the terms of this policy or by statute is subject to change.

Waiver provisions

No permission affecting this insurance shall exist, or waiver of any provision be valid, unless granted herein or expressed in writing added hereto. No provision, stipulation or forfeiture shall be held to be waived by any requirement or proceeding on the part of this company relating to appraisal or to any examination provided for herein.

Cancellation of policy

This policy may be canceled and the insured as a member of this company may withdraw therefrom by the insured surrendering his policy for cancellation at any time during the life of the policy and while the company continues the business for which it was organized, by giving notice in writing to the company and by paying such obligations as may have accrued against him on the day of cancellation. This policy may be canceled at any time by this company by giving to the insured five days' written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand. Notice of cancellation shall state that said excess premium (if not tendered) will be refunded on demand.

Assignment

This company may give its consent in writing allowing the assignment of this policy upon the bona fide sale of the property insured herein; provided, within 30 days from the transfer of the title to the within property and upon the assignment thereof such purchaser or his agent signs an agreement becoming a member and accepting the conditions of the within policy; otherwise this policy to be null and void, except as to holders of a mortgage or deed of trust.

Mortgagee interests and obligations

If loss hereunder is made payable, in whole or in part, to a designated mortgagee not named herein as the insured, such interest in this policy may be canceled by giving to such mortgagee a 10 days' written notice of cancellation.

If the insured fails to render proof of loss such mortgagee, upon notice, shall render proof of loss in the form herein specified within sixty (60) days thereafter and shall be subject to the provisions hereof relating to appraisal and time of payment and of bringing suit. If this

company shall claim that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue; or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mortgagee may be added hereto by agreement in writing.

Pro rata liability

This company shall not be liable for a greater proportion of any loss than the amount hereby insured shall bear to the whole insurance covering the property against the peril involved, whether collectible or not.

Requirements in case loss occurs

The insured shall give written notice to this company of any loss without unnecessary delay, protect the property from further damage, forthwith separate the damaged and undamaged personal property, put it in the best possible order, furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value and amount of loss claimed; and within 60 days after the loss, unless such time is extended in writing by this company, the insured shall render to this company a proof of loss, signed and sworn to by the insured, stating the knowledge and belief of the insured as to the following: the time and origin of the loss, the interest of the insured and of all others in the property, the actual cash value of each item thereof and the amount of loss thereto, all encumbrances thereon, all other contracts of insurance, whether valid or not, covering any of said property, any changes in the title, use, occupation, location, possession or exposures of said property since the issuing of this policy, by whom and for what purpose any building herein described and the several parts thereof were occupied at the time of loss and whether or not it then stood on leased ground, and shall furnish a copy of all the descriptions and schedules in all policies and, if required and obtainable, verified plans and specifications of any building, fixtures or machinery destroyed or damaged. The insured, as often as may be reasonably required, shall exhibit to any person designated by this company all that remains of any property herein described, and submit to examinations under oath by any person named by this company, and subscribe the same; and, as often as may be reasonably required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals be lost, at such reasonable time and place as may be designated by this company or its representative, and shall permit extracts and copies thereof to be made.

Appraisal

In case the insured and this company shall fail to agree as to the actual cash value or the amount of loss, then, on the written demand of either, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days of such demand. The appraisers shall first select a competent and disinterested umpire; and failing for 15 days to agree upon such umpire, then, on request of the insured or this company, such umpire shall be selected by a judge of a court of record in the state in which the property covered is located. The appraisers shall then appraise the loss, stating separately actual cash value and loss to each item; and, failing to agree, shall submit their differences, only, to the umpire. An award in writing, so itemized, of any two when filed with this company shall determine the amount of actual cash value and loss. Each appraiser shall be paid by the party selecting him and the expenses of appraisal and umpire shall be paid by the parties equally.

Company's options

It shall be optional with this company to take all, or any part, of the property at the agreed or appraised value, and also to repair, rebuild or replace the property destroyed or damaged with other of like kind and quality within a reasonable time, on giving notice of its intention so to do within 30 days after the receipt of the proof of loss herein required.

Abandonment

There can be no abandonment to this company of any property.

When loss payable

Except where assessment is required as hereinafter provided, the amount of loss for which this company may be liable shall be payable 60 days after proof of loss, as herein provided, is received by this company and ascertainment of the loss is made either by agreement between the insured and this company expressed in writing or by the filing with this company of an award as herein provided.

Assessment for deficiency

When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of this company, who shall proceed in the manner provided by Article 8 of Chapter 5 of Part 1 of Division 2 of the Insurance Code of the State of California.

Notice of assessment

It shall be the duty of the secretary, whenever assessment shall have been made, to immediately notify every person holding a risk in this company, personally, by an agent, or by letter directed to his usual post office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is made; but such time shall not be less than 30 days, nor more than 90 days from date of such notice. No assessment or assessments can be levied under this policy in excess of three times the premium named herein.

Action for neglect or refusal to pay assessments

An action may be brought against the member whose property is insured herein and this policy is automatically suspended if the insured shall not have paid, before it is delinquent, his portion of any assessment levied or other liability due this company for a period in excess of 90 days. The directors of this company who shall willfully refuse or neglect to perform the duties imposed upon them by law or the bylaws of the company, shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought and maintained against this company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined and is due by the terms of the policy.

Suit

No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within 12 months next after inception of the loss.

Subrogation

This company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this company.

SEC. 107. Section 6011.5 of the Insurance Code is amended to read:

6011.5. In lieu of showing the term of coverage in the form set forth in Section 6010, the standard form policy may show the term in any form which clearly states the period during which the insurance is to continue. The period shall begin and end on specified dates at 12:01 a.m., standard time, at the location of the property involved. An example of permissible method of showing the term is:

“_____ for the term of
from

At 12:01 a.m.
(Standard Time) to

At 12:01 a.m.
(Standard Time)

at location of property involved, _____”

SEC. 108. Section 1432 of the Labor Code is amended to read:

1432. The provisions of this part shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin, ancestry, or sex.

Nothing contained in this act shall be deemed to repeal or affect the provisions of any ordinance relating to such discrimination in effect in any city, city and county, or county at the time this act becomes effective, insofar as proceedings theretofore commenced under such ordinance or ordinances remain pending and undetermined. The respective administrative bodies then vested with the power and authority to enforce such ordinance or ordinances shall continue to have such power and authority, with no ouster or impairment of jurisdiction, until such pending proceedings are completed, but in no event beyond one year after the effective date of this act.

Nothing contained in this part relating to discrimination on account of sex shall be deemed to affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, provided such terms or conditions are in accordance with customary and reasonable or actuarially sound underwriting practices.

SEC. 109. Section 3212.5 of the Labor Code is amended to read:

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member is employed upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff, or an inspector or investigator in a district attorney's office of any county, employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member, sheriff, or deputy sheriff, inspector or investigator is in the service of the police department, the State Highway Patrol, the sheriff's office or the district attorney's office, as the case may be. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department, State Highway Patrol, the sheriff or deputy sheriff, or an inspector or investigator in a district attorney's office of any county shall have served five years or more in such capacity before the presumption shall arise as to the compensability of heart trouble

so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

The term "members" as used herein shall be limited to those employees of police departments, the California Highway Patrol and sheriffs' departments and inspectors and investigators of a district attorney's office who are defined as peace officers in Section 830.1, 830.2, or 830.3 of the Penal Code.

SEC. 110. Section 5407 of the Labor Code is amended to read:

5407. The period within which may be commenced proceedings for the collection of compensation on the ground of serious and willful misconduct of the employer, under provisions of Section 4553, is as follows:

Twelve months from the date of injury. This period shall not be extended by payment of compensation, agreement therefor, or the filing of application for compensation benefits under other provisions of this division.

SEC. 111. Section 5407.5 of the Labor Code is amended to read:

5407.5. The period within which may be commenced proceedings for the reduction of compensation on the ground of serious and willful misconduct of the employee, under provisions of Section 4551, is as follows:

Twelve months from the date of injury. However, this limitation shall not apply in any case where the employee has commenced proceedings for the increase of compensation on the ground of serious and willful misconduct of the employer.

SEC. 112. Section 241 of the Penal Code is amended to read:

241. An assault is punishable by fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison not exceeding two years.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Commission and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 113. Section 243 of the Penal Code is amended to read:

243. A battery is punishable by fine of not exceeding one

thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for not less than one nor more than 10 years.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Commission and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 114. Section 245 of the Penal Code is amended to read:

245. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for six months to life, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in the state prison for six months to life; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Commission and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 115. Section 308 of the Penal Code is amended to read:

308. Every person, firm or corporation which sells or gives or in

any way furnishes to another person who is in fact under the age of 18 years any tobacco, cigarette or cigarette papers or any other preparation of tobacco is guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not more than 60 days; and for the second offense by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment for not more than 90 days; and for each subsequent offense by a fine of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300), or by imprisonment for not less than 90 days nor more than six months, or by both such fine and imprisonment.

Every person, firm or corporation which sells, or deals in tobacco or any preparation thereof, shall post conspicuously and keep so posted in his or their place of business a copy of this act, and any such person failing to do so shall upon conviction be punished by a fine of five dollars (\$5) for the first offense and twenty-five dollars (\$25) for each succeeding violation of this provision, or by imprisonment for not more than 30 days.

The Secretary of State is hereby authorized to have printed sufficient copies of this act to enable him to furnish dealers in tobacco with copies thereof upon their request for the same.

SEC. 116. Section 830.10 of the Penal Code is amended to read:

830.10. (a) The coroner and deputy coroners, regularly employed and paid as such, of a county are peace officers. The primary duties of such peace officers are those set forth by Sections 27469 and 27491 through 27491.4, inclusive, of the Government Code. However, such coroner and deputy coroners shall not be authorized to carry concealable weapons capable of being concealed upon the person, unless they are authorized to do so by an ordinance or resolution of the county board of supervisors.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section 830.3 or Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

- (1) When in pursuit of any offender or suspected offender; or
- (2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or
- (3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 117. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the

Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Consumer Affairs are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 8597 of the Government Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and

878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(k) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 8597 of the Government Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized

to act by ordinance, by resolution.

(l) The Chief and such inspectors of the Bureau of Food and Drug as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(m) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(o) All investigators of the Division of Labor Law Enforcement, as designated by the Labor Commissioner, are peace officers; provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(p) The authority of any peace officer listed in subdivisions (c) through (o), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 118. Section 830.35 of the Penal Code is amended to read:

830.35. (a) Policemen of the San Francisco Port Commission are peace officers; provided, that the primary duty of such peace officer shall be the enforcement of statutes and ordinances relating to the San Francisco Harbor.

(b) The authority of any such peace officer extends to any place in the state; provided, that except as otherwise provided in Section

830.3 or Section 830.6 of this code, or Section 8597 of the Government Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 119. Section 1203(b) of the Penal Code is amended and renumbered to read:

1203b. All courts shall have power to grant probation summarily in misdemeanor and infraction cases without referring such cases to the probation officer; provided, however, that unless otherwise ordered by the court persons granted probation summarily shall report only to the court and the probation officer shall not be responsible in any way for supervising or accounting for such persons.

SEC. 120. Section 5056 of the Penal Code is repealed.

SEC. 121. Article 4 (commencing with Section 13030) of Chapter 1 of Title 3 of Part 4 of the Penal Code is repealed.

SEC. 122. Section 13806 of the Penal Code is amended to read:

13806. In the exercise of its authority under subdivision (a) of Section 13805 the council may develop plans to fulfill the requirements of any federal act providing for the adoption of comprehensive plans to facilitate the receipt and allocation of federal funds for planning, research, demonstration and special project grants. The council shall submit its recommendations concerning applications for federal funds by any state or local agency to the Governor to be forwarded to the United States Attorney General or appropriate federal agency. The council shall also report to the Legislature on its recommendations.

SEC. 123. Section 4021 of the Public Resources Code is amended to read:

4021. Except as otherwise provided, the willful or negligent commission of any of the acts prohibited or the omission of any of the acts required by Chapter 2 (commencing with Section 4251) to Chapter 6 (commencing with Section 4411), inclusive, of Part 2 of this division is a misdemeanor.

SEC. 124. Section 5097.94 of the Public Resources Code is amended to read:

5097.94. Notwithstanding Section 5097.93, the state agencies may authorize the disturbance of native California Indian burial sites abandoned less than 200 years for archaeological purposes where the

area will be disturbed by an authorized public works project with the permission of the governing council of the Indian people concerned.

SEC. 125. Section 3511 of the Public Utilities Code is amended to read:

3511. "Highway carrier" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in transportation of property for compensation or hire as a business over any public highway in this state by means of a motor vehicle, except that "highway carrier" does not include:

(a) Any farmer resident of this state who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation.

(b) Persons or corporations hauling their own property.

(c) Any farmer operating a motor vehicle used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm.

(d) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code to the extent only that it is engaged in transporting its own property or the property of its members.

(e) Any person exclusively transporting United States mail pursuant to a contract with the United States government.

SEC. 126. Section 3576 of the Public Utilities Code is repealed.

SEC. 127. Section 5133 of the Public Utilities Code is amended to read:

5133. No household goods carrier shall engage in the business of the transportation of used household goods and personal effects, office, store, and institution furniture and fixtures for compensation, by motor vehicle over any public highway in this state, unless there is in force a permit issued by the commission authorizing such operations.

SEC. 128. Section 5133.5 of the Public Utilities Code is repealed.

SEC. 129. Section 5135 of the Public Utilities Code is amended to read:

5135. Before a permit is hereafter issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission shall require the applicant to establish his knowledge and ability to engage in business as a household goods carrier by examination. The examination may be written or oral, or in the form of a demonstration of skill or any combination of these, and any investigation of character, experience and any tests of technical knowledge and manual skill which the commission deems are appropriate may be employed. In any examination the qualification of the applicant shall be determined by an appraisal made by a member of the commission's staff. An applicant who has been

determined to be unqualified may thereafter establish his qualifications through a subsequent examination; but no subsequent examination shall be taken prior to three (3) months from the date when such applicant was found to be unqualified. When the staff member shall determine that the applicant is not qualified, then the matter shall be set for hearing and the qualification of the applicant shall be determined by the commission on the basis of evidence of qualifications presented at such hearing, which evidence may include consideration of any written examination of the applicant. When the staff member shall determine that the applicant is qualified, a permit may issue without hearing unless the commission shall consider a hearing desirable, in which event the application may be set for hearing by the commission.

An applicant may qualify in the following ways: (a) if an individual, he may qualify by personal examination or by examination of his responsible managing employee; (b) if a copartnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer or member of the personnel of such applicant firm. If the individual qualified by examination ceases to be connected with the permitholder, said permitholder shall notify the commission in writing within 30 days after such cessation. If notice is given the permit shall remain in force a reasonable length of time in order that another representative of applicant may be qualified before the Public Utilities Commission. If the permitholder fails to notify the commission of such cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

The commission may refuse to issue a permit if it shall be shown that an applicant or an officer, director, partner or associate thereof has committed any act constituting dishonesty or fraud; committed any act which, if committed by a permitholder would be grounds for a suspension or revocation of the permit; misrepresented any material fact on his application; or, committed a felony, or crime involving moral turpitude.

The commission shall issue a permit only to those applicants who it finds have demonstrated that they possess sufficient knowledge, ability, integrity and financial resources and responsibility to perform the service within the scope of their application.

The commission shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

SEC. 130. Section 21669.1 of the Public Utilities Code is repealed.

SEC. 131. Section 402.7 of the Revenue and Taxation Code is repealed.

SEC. 132. Section 27189 of the Streets and Highways Code is amended to read:

27189. In cases of great emergency, including but not limited to states of emergency as defined in subdivision (b) of Section 8558 of the Government Code, the board of directors of a bridge and highway district may proceed at once to replace or repair any and

all structures, roadway, or property of the district that may be rendered unusable or unsafe without adopting the plans, specifications, strain sheets or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the board, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material and labor expended by him in doing the work, plus not more than 15 percent to cover all profits, supervision, and other expenses. No more than the lowest current market prices shall be paid for materials. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, fixed as provided in Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, shall be paid to all workmen employed on such works.

SEC. 133. Section 303 of the Unemployment Insurance Code is amended to read:

303. The deputy director shall be appointed by the Governor subject to the approval of the Senate. The annual salary of the deputy director shall be as provided for by Chapter 6 (commencing with Section 11550) of Part 1, Division 3, Title 2 of the Government Code. The deputy director shall select a person to fill the confidential position to which he is entitled under subdivision (g) of Section 4 of Article XXIV of the Constitution of this state.

SEC. 134. Article 5 (commencing with Section 802) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code, as added by Chapter 1622 of the Statutes of 1971, is repealed. The repeal made by this section shall not affect the existence or validity of Article 5 (commencing with Section 801) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code, as added by Chapter 1107 of the Statutes of 1971.

SEC. 135. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A 9-passenger or 10-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any community college students to and from a public community college or to and from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 136. Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code, as added by Chapter 778 of the Statutes of 1970, is repealed. The repeal made by this section shall not affect the existence or validity of Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code, as added by Chapter 779 of the Statutes of 1970.

SEC. 137. Section 8800 of the Vehicle Code is amended to read: 8800. The department may suspend, cancel, or revoke the registration of a vehicle or a certificate of ownership, registration card, or license plate or any permit in any of the following events:

(a) When the department is satisfied that the registration or the certificate, card, plate, or permit was fraudulently obtained or erroneously issued.

(b) When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

(c) When a registered vehicle has been dismantled or wrecked.

(d) When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand.

(e) When a registration card, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.

(f) When the registration could have been refused when last issued or renewed.

(g) When the department determines that the owner or legal owner has committed any offense under Sections 20 (with respect to an application for the registration of a vehicle), 4000, 4159 to 4163, inclusive, 4454, 4456, 4461, 4463, 5202, 10750, and 10751, involving the registration or the certificate, card, plate, or permit to be suspended, canceled, or revoked.

(h) When the department is so authorized under any other provision of law.

SEC. 138. Section 9105 of the Vehicle Code is amended to read: 9105. The fees specified in this code except fees for duplicate

plates, certificates, or cards need not be paid for any of the following vehicles, which are of a type subject to registration under this code, and which are not used for transportation for hire, compensation, or profit, when owned by any veteran who has lost, or has lost use of, two or more limbs, or one eye and any limb, or who has suffered permanent blindness as defined in Section 19153 of the Welfare and Institutions Code, as a result of injury or disease suffered while on active service with the armed forces of the United States:

- (a) Any passenger motor vehicle.
- (b) Any motorcycle.
- (c) Any commercial motor vehicle of less than 4,000 pounds unladen weight.

The exemption granted by this section shall not extend to more than one vehicle owned by any such veteran.

SEC. 139. Section 9854 of the Vehicle Code is amended to read:

9854. The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within 30 days after the 90-day reciprocity period provided for in Section 9873. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under Section 9853.

SEC. 140. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked for reckless driving, driving while under the influence of alcohol or any drug, or under the combined influence of alcohol and any drug, any reason listed in subdivisions (b) through (f) of Section 12805 requiring the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810, and the person so driving has knowledge of such suspension or revocation. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months and by fine of not more than five hundred dollars (\$500), and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than 10 days nor more than one year and by fine of not more than one thousand dollars (\$1,000).

(c) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 10 days.

SEC. 141. Section 14601.1 of the Vehicle Code, as added by

Chapter 933 of the Statutes of 1968, is repealed. The repeal made by this section shall not affect the existence or validity of Section 14601.1 of the Vehicle Code, as added by Section 8 of Chapter 1195 of the Statutes of 1968.

SEC. 142. Section 14601.1 of the Vehicle Code, as added by Section 8 of Chapter 1195 of the Statutes of 1968, is amended to read:

14601.1. (a) No person shall drive a motor vehicle on a highway when his driving privilege is suspended or revoked for any reason other than those listed in Section 14601 when the person so driving has knowledge of either such fact. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not more than six months or by fine of not more than five hundred dollars (\$500) or by both such fine and imprisonment, and upon a second or any subsequent conviction under this section or Section 14601, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by fine of not more than one thousand dollars (\$1,000).

SEC. 143. Section 15002 of the Vehicle Code is amended to read:

15002. The compact administrator provided for in Section 15026 of this compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

SEC. 144. Section 16105 of the Vehicle Code is amended to read:

16105. The suspension and storage of such motor vehicle shall continue until either:

(a) The owner or driver has complied with one of the conditions for exemption from security requirements.

(b) Security has been deposited.

(c) All judgments or claims referred to in this division have been discharged.

(d) A period of one year has elapsed following the date of such accident or following the date when such security was required, and during such time no action at law for any damages arising out of the accident or upon a duly acknowledged settlement agreement has been instituted and is pending.

(e) Possession of the vehicle has been taken by or for a legal owner thereof or by or for another lienholder.

(f) Possession of the vehicle has been taken by or for a licensed automobile dismantler for the purpose of dismantling the vehicle and an application for the issuance of a certificate of dismantling has been made.

(g) The department has suspended the registration privilege

under authority of Section 16370 as the result of a judgment arising out of the same cause of action for which security was required in the suspension authorized under Section 16080.

SEC. 145. Section 17460 of the Vehicle Code is amended to read:

17460. The acceptance or retention by a resident of this state of a driver's license issued pursuant to the provisions of this code, shall constitute the consent of the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of his operation of a motor vehicle anywhere within this state.

SEC. 146. Section 22512 of the Vehicle Code is amended to read:

22512. Except as otherwise indicated in subdivision (b), none of the following provisions shall apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, whether privately, municipally, or publicly owned, used in the construction, operation, removal, or repair of utility or public utility property or facilities, when the vehicle is stopped, standing, or parked at the site of work involving the construction, operation, removal, or repair of such utility or public utility property or facilities upon, in, over, under, or adjacent to a highway, or of a vehicle, whether privately, municipally, or publicly owned, engaged in authorized work on the highway and warning devices are displayed:

(a) Sections 21112, 21707, 21708, 24605, 25253, 25300, 27700, 27907, and 41102.

(b) This chapter, except Sections 22507, 22509, 22511, 22515, and 22517.

(c) Chapter 10 (commencing with Section 22650).

SEC. 147. Section 25800 of the Vehicle Code is amended to read:

25800. The provisions of Sections 24012, 24250, 24251, 24400 to 24404, inclusive, and Articles 3 (commencing with Section 24600), 4 (commencing with Section 24800), 5 (commencing with Section 24950), 6 (commencing with Section 25100), 9 (commencing with Section 25350), 11 (commencing with Section 25450), and 13 (commencing with Section 25650), shall not apply to special mobile equipment. Such equipment shall be subject to the provisions of Sections 24254, 25803, and 25950, and Article 12 (commencing with Section 25500).

SEC. 148. Section 25801 of the Vehicle Code is amended to read:

25801. The provisions of Sections 24012, 24250, 24251, 24254, 24400 to 24404, inclusive, 24600 to 24604, inclusive, 24606 to 24610, inclusive, Section 25950, and Articles 4 (commencing with Section 24800), 5 (commencing with Section 24950), 6 (commencing with Section 25100), 9 (commencing with Section 25350), 11 (commencing with Section 25450), 12 (commencing with Section 25500), and 13 (commencing with Section 25650) shall not apply to special construction or maintenance equipment, nor to motortrucks equipped with snow removal or sanding devices, but shall apply to

motortrucks and automobiles used independently of such equipment.

The provisions of Section 25803 shall be applicable to such equipment.

SEC. 149. Section 27304 of the Vehicle Code is amended to read:

27304. All vehicles owned and utilized in driver training by a driver training school licensed under the provisions of Chapter 1 (commencing with Section 11100) of Division 5 or in a course in automobile driver training in any secondary school maintained under the Education Code shall be equipped with a seatbelt for the driver and each passenger. Such seatbelt shall either comply with regulations adopted pursuant to Section 2402.5 or be of a type approved by the department.

It shall be unlawful for any driver or passenger to operate or ride in such a vehicle while it is being operated for the purposes of driver training, unless such person is utilizing an installed seatbelt in the proper manner.

SEC. 150. Section 27903 of the Vehicle Code is amended to read:

27903. Notwithstanding other provisions of this code no person shall operate any vehicle transporting any explosive substance, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, poison gas, poison liquid, poison solid, radioactive material or other materials classified by the United States Secretary of Transportation as a dangerous article unless at the time of such transportation there is displayed on the vehicle signs conforming to the regulations of the United States Secretary of Transportation.

This section does not apply if the vehicles are transporting not more than 20 pounds of smokeless powder or not more than five pounds of black sporting powder or any combination thereof.

SEC. 151. Section 36500 of the Vehicle Code is amended to read:

36500. The provisions of Sections 24012, 24250, 24251, 24400 to 24404, inclusive, and Articles 3 (commencing with Section 24600), 4 (commencing with Section 24800), 5 (commencing with Section 24950), 6 (commencing with Section 25100), 9 (commencing with Section 25350), 11 (commencing with Section 25450), and 13 (commencing with Section 25650) of Chapter 2 of Division 12 shall not apply to implements of husbandry. Such vehicles shall be subject to the provisions of Sections 24254, 24615, 25803, and 25950, and Article 12 (commencing with Section 25500) of Chapter 2 of Division 12.

SEC. 152. Section 40000.8 is added to the Vehicle Code, to read:

40000.8. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Chapter 2 (commencing with Section 9850), Division 3.5, relating to the registration of vessels.

SEC. 153. Section 26625 of the Water Code is amended to read:

26625. The applicable part of the county assessment rolls as made by the county assessor and equalized or corrected by the board of

supervisors or the State Board of Equalization shall be the basis for levying the district's assessments; provided, that in any case where the board of directors of a district has, prior to November 8, 1967, adopted a formal resolution or entered into a written agreement with an owner of land within the district providing a different basis for levying the district's assessments against the land of such owner, such resolution or agreement shall be the basis for levying the district's assessments.

SEC. 154. The heading of Article 4 (commencing with Section 34755) of Chapter 1 of Part 3 of Division 13 of the Water Code is repealed.

SEC. 155. Section 42226 of the Water Code is amended to read:
42226. In the event of the division of the project into units of construction, and the specification of one or more units for future construction, the board shall, when it determines upon the construction of any unit, pass a resolution to that effect and cause a certified copy to be transmitted to the State Treasurer.

SEC. 156. Section 42227 of the Water Code is amended to read:
42227. Upon resolving to construct a unit, the board may amend the plans, specifications, and estimates of costs of the unit by making changes, modifications, and additions. In the event of any such change, modification, or addition, the board shall cause to be filed with the State Treasurer the plans, specifications, and estimates of costs of the unit as amended.

SEC. 157. The heading of Chapter 4 (commencing with Section 71390) of Part 3 of Division 20 of the Water Code is repealed.

SEC. 158. Section 71814 of the Water Code is amended to read:
71814. A district may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of the district which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes from time to time, but the maximum maturity of any such notes, as originally issued or as refunded, shall not exceed five years from the date of the original notes. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the district are payable. The principal of such notes may be paid from any moneys of the district available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. The resolution providing for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the district are not sold in time to provide funds to pay any

unpaid note, and, if other funds of the district are not available for such payment, taxes shall be levied upon the taxable property in the district for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. To the extent bond anticipation notes are paid from a tax levy, authorized bonds in a corresponding amount shall be canceled and not issued thereafter. When bonds of the district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds under Section 71951 from the date of such notes as originally issued.

SEC. 159. The heading of Chapter 4 (commencing with Section 74270) of Part 3 of Division 21 of the Water Code is repealed.

SEC. 160. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The State Director of Mental Hygiene, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional and technical personnel employed in mental health services and for the organization and operation of mental health services. Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607. In regulations pertaining to the position of director of local mental health services the person, where the local director is other than the local health officer or medical administrator of the county hospitals, shall be a psychiatrist, psychologist, clinical social worker, or hospital administrator, who meets the standards of education and experience established by the State Director of Mental Hygiene. Where the duties of the director include direct medical care of patients, the supervision of medical care or the provision of medical consultation concerning patients, he shall be a psychiatrist licensed to practice medicine in this state.

Where the director of the local program is not a psychiatrist, the program shall have a medically qualified person whose duties shall include the provision of supervision and consultation concerning patients with regard to all medical services within the county program and who shall be a psychiatrist licensed to practice medicine in this state and meet the standard of education and experience established by the Director of Mental Hygiene. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

SEC. 161. Section 11008.7 of the Welfare and Institutions Code, as added by Chapter 578 of the Statutes of 1971, is amended and

renumbered, to read:

11008.8. To the extent permitted by federal law the value of any loan or grant to any undergraduate student made or insured under any program administered by the State Scholarship and Loan Commission or a college accredited by the Western Association of Schools and Colleges shall not be considered in determining eligibility or the amount of the grant.

SEC. 162. Section 19003 of the Welfare and Institutions Code is amended to read:

19003. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 163. Any section of any act enacted by the Legislature at its 1972 Regular Session prior or subsequent to the enactment of this act, which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act.

CHAPTER 619

An act to amend Section 717 of the Code of Civil Procedure, relating to court processes.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 717 of the Code of Civil Procedure is amended to read:

717. After the issuing or return of an execution against property of the judgment debtor, or of any one of the several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars (\$50), the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same. The spouse of a judgment debtor to the extent provided by Sections 970 and 971 of the Evidence Code may not be required to so testify, if there has not been a waiver of such provisions in the action giving rise to the judgment.

If the person ordered to appear pursuant to this section fails to do so, and if the order requiring his appearance has been served by a sheriff, constable, marshal, or some person specially appointed by the

court in the order, the judge may, pursuant to a warrant, have such person brought before the court to answer for such failure to appear.

CHAPTER 620

An act to amend Sections 7231 and 8371 of the Fish and Game Code, relating to striped bass.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7231 of the Fish and Game Code is amended to read:

7231. It is unlawful to buy or sell striped bass or parts thereof, or to possess striped bass or parts thereof, in any place where fish are bought, possessed for sale, or sold, or where food is offered for sale to the public, or in any truck or other conveyance operated by or for a place so selling or possessing fish.

Nothing in this section prohibits any of the following:

(a) The preparation for storage, and the storage, of not more than one daily bag limit of lawfully taken striped bass in a locker plant, if such fish are placed, after preparation for storage, in a locker assigned to the exclusive use of the owner of such fish.

(b) The preparation for consumption of lawfully taken striped bass in a restaurant or other eating establishment when such fish are brought to such restaurant or eating establishment by the owner of such fish for the purpose of having them prepared for consumption by himself or by himself and others.

(c) The canning or smoking of lawfully taken striped bass by a fish cannery or processor as a service for licensed sport fishermen.

Each can or jar containing striped bass canned under the provisions of this section shall have embossed or permanently imprinted on the top of each can the words "not to be sold" in letters of such size as to be clearly legible.

All striped bass or pieces thereof which have been smoked under the provisions of this section shall be wrapped in packages bearing the words "not to be sold" in letters of such size as to be clearly legible.

SEC. 2. Section 8371 of the Fish and Game Code is amended to read:

8371. It is unlawful to buy or sell striped bass or parts thereof, or to possess striped bass or parts thereof in any place where fish are bought, possessed for sale, or sold, or where food is offered for sale, or in any truck or other conveyance operated by or for a place so selling or possessing fish, except that imported striped bass or parts thereof may be possessed and sold pursuant to regulations of the commission.

CHAPTER 621

An act to amend Section 7738 of the Business and Professions Code, relating to funerals.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 7738 of the Business and Professions Code is amended to read:

7738. (a) Nothing in this article shall prevent a licensed funeral director who is also a licensed cemetery authority from depositing any money or securities received in connection with preneed funeral arrangements in a special endowment care fund as provided in Article 4 (commencing with Section 8775), Chapter 5, Part 3, Division 8 of the Health and Safety Code and the rules and regulations adopted pursuant thereto by the State Cemetery Board, subject to all of the following limitations:

(1) None of the trust corpus shall be used for payment of any commission or other expenses of trust administration.

(2) Any such money or securities shall be invested in accordance with Article 3 (commencing with Section 8750) of Chapter 5, Part 3, Division 8 of the Health and Safety Code.

(3) The use of the corpus of the trust and any income shall be subject to the provisions of this article.

(b) An annual report shall be made to the board by such licensed funeral director who is also a licensed cemetery authority showing the amount of preneed funds collected and deposited in a special endowment care fund and that limitations on the use of trust corpus and income as set forth in this article and in Article 8 (commencing with Section 1261) of Chapter 12 of Title 16 of the California Administrative Code are complied with.

CHAPTER 622

An act to add Section 11487 to, and to add Article 8.7 (commencing with Section 17980) to Chapter 3 of Division 14 of, the Education Code, relating to community colleges.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 11487 is added to the Education Code, to read:

11487. The attendance of a community college student shall be recorded and reported separately if both that portion of the district of which he is a resident and that portion of the district in which he attends a community college are part of a single vocational area formed pursuant to the provisions of Article 10.4 (commencing with Section 6268) of Chapter 6 of Division 6, if both such districts have approved a master plan for that vocational area, and if the following conditions are satisfied:

(a) The student is enrolled in a vocational program in the community college which he attends which is not offered by a community college maintained by the community college district of which he is a resident, and all the community college districts which are a part of the applicable vocational area have agreed that the provisions of this section shall be applicable in that vocational area, or

(b) The student is enrolled in a vocational program in the community college which he attends, which program is offered, but is not available to him, in a community college maintained by the community college district of which he is a resident; and the district of which he is a resident and the district in which he is attending a community college have agreed that the provisions of this section shall be applicable.

SEC. 2. Article 8.7 (commencing with Section 17980) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 8.7. Computation of Allowances for Community College Students Participating in Certain Vocational Education Programs

17980. Notwithstanding any other provision of law, the Superintendent of Public Instruction shall allow for each unit of average daily attendance reported pursuant to Section 11487, the sum equal to the average amount apportioned as basic state aid and state equalization aid for each unit of average daily attendance in grades 13 and 14 in all of the districts participating in the vocational program in which the students whose attendance is so reported are enrolled.

No other amount shall be apportioned for such units of average daily attendance.

CHAPTER 623

An act making an appropriation for the Colton Joint Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction the sum of four thousand five hundred dollars (\$4,500) for allocation to the Colton Joint Unified School District in order to reimburse that district for the preoperating costs associated with the operation of a children's center.

SEC. 2. The Legislature finds and declares that a unique situation exists in the Colton Joint Unified School District in that the district, in an effort to adequately care for the children residing in the district, caused certain renovation to be undertaken in order to bring a children's center facility up to proper standards. This work had been approved by the appropriate administrative agency. However, intervening changes in the law relating to the establishment and operation of centers made no provision for payment of preoperational expenses upon which the district had relied in undertaking the work. To alleviate the fiscal difficulty into which the district has been placed as a result of this change in the law beyond its control, it is necessary to enact this special statute.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to reimburse the Colton Joint Unified School District at the earliest possible time so that great fiscal and administrative inconvenience to the district may be avoided, it is necessary that this act take effect immediately.

CHAPTER 624

An act to amend Section 4150.2 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4150.2 of the Vehicle Code, as amended by Chapter 1353 of the Statutes of 1971, is amended to read:

4150.2. Application for the original registration of a motorcycle shall be made by the owner to the department upon the appropriate form furnished by it, and shall contain:

(a) The true full name and business or residence address of the owner, and the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the motorcycle, including the following data insofar as it may exist:

(1) The make and type of body.

(2) The motor and frame numbers recorded exactly as stamped on the engine and frame, respectively, by the manufacturer, and any other identifying number of the motorcycle as may be required by the department.

(3) The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

(e) The department shall maintain a cross-index file of motor and frame numbers registered with it.

The application shall be accompanied by a tracing, tape lift, or photograph of the motor and frame numbers, or where such facsimile of the motor or frame number cannot be obtained, a verification of such number shall be required.

CHAPTER 625

An act to add Sections 12101.2 and 12101.3 to the Welfare and Institutions Code, relating to old age security.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12101.2 is added to the Welfare and Institutions Code, to read:

12101.2. Notwithstanding the provisions of Section 12101, a flat

50-percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms, when a responsible relative reaches age 60.

SEC. 2. Section 12101.3 is added to the Welfare and Institutions Code, to read:

12101.3. Where there is more than one responsible relative in a family, liability shall be prorated among such responsible relatives in direct proportion to the maximum levels established according to net income under the relatives' contributions scale.

In any event, the maximum amount which may be collected from a responsible relative under this article shall be the actual monetary grant paid to the responsible relative's parent pursuant to Sections 12150 and 12151.

CHAPTER 626

An act to amend Section 20360 of, and to add Section 20983.2 to, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 20360 of the Government Code is amended to read:

20360. A person directly appointed by the Governor, without the nomination of any officer or board, or an officer or an employee directly appointed by the Attorney General, Lieutenant Governor, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction exempt from civil service under the provisions of Article XXIV of the Constitution, except those appointed pursuant to subdivision (i) of Section 4 thereof, is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner

as if he had not been excluded, and

(b) The contributions of the state, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

SEC. 2. Section 20983.2 is added to the Government Code, to read:

20983.2. Notwithstanding any provision of law to the contrary, any state member appointed by the Governor, Attorney General, Lieutenant Governor, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction exempt from civil service under Article XXIV of the Constitution, except those appointed pursuant to subdivision (i) of Section 4 thereof, and serving under such appointment on the effective date of this section shall not be retired for service during the time he holds such office except upon his written application to the board. Upon receipt of his application for retirement or termination of such service he shall be retired and receive a retirement allowance computed as of his actual age of retirement.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to prevent unwarranted hardships, it is essential that this act take immediate effect.

CHAPTER 627

An act to add Sections 12748.5, 12748.6, and 12748.7 to the Water Code, relating to flood control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 12748.5 is added to the Water Code, to read:
12748.5. The project for flood control construction of debris basins and channel clearing in the Santa Barbara, California, area as authorized by Public Law 92-184 (85 Stat. 627) is adopted and authorized at such cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. Eligible costs incurred by the Santa Barbara County Flood Control and Water Conservation District subsequent to November 1, 1971, are hereby declared eligible for state reimbursement in accordance with the following criteria:

(a) The state shall pay 75 percent of the costs of lands, easements, and rights-of-way apportioned to the benefits resulting from the reduction of flood damage.

(b) The district shall pay 25 percent of the costs of lands, easements, and rights-of-way apportioned to the benefits resulting from the reduction of flood damage and all of the costs of lands, easements, and rights-of-way apportioned to the benefits resulting from increased or higher utilization of land.

SEC. 2. Section 12748.6 is added to the Water Code, to read:

12748.6. The Santa Barbara County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that local cooperation, required by Section 3 of the Flood Control Act of 1936 (Public Law 738—74th Congress), as amended by Section 2 of the Flood Control Act of 1938 (Public Law 761—75th Congress), will be furnished by the district in connection with the project for flood protection adopted and authorized in Section 12748.5.

SEC. 3. Section 12748.7 is added to the Water Code, to read:

12748.7. The Santa Barbara County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12748.5, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to properly provide the flood control protection necessary to preserve the public peace, health and safety in the Carpinteria-Montecito area, it is essential that state authorization for the flood control project be provided immediately. Such authorization will facilitate the acquisition of land, easements, and rights-of-way necessary for the construction of the project.

CHAPTER 628

An act to amend Section 3364.55 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3364.55 of the Labor Code is amended to read:

3364.55. Notwithstanding Sections 3351 and 3352, a ward of the juvenile court engaged in rehabilitative work without pay, under an assignment by order of the juvenile court to a work project on public property within the jurisdiction of any governmental entity, including the federal government, shall, upon the adoption of a resolution of the board of supervisors declaring that such ward is deemed an employee of the county for purposes of this division, be entitled to the workmen's compensation benefits provided by this division for injury sustained while in the performance of such assigned work project, provided:

(a) That such ward shall not be entitled to any temporary disability indemnity benefits.

(b) That in determining permanent disability benefits, average weekly earnings shall be taken at the minimum provided therefor in Section 4453.

CHAPTER 629

An act to amend Sections 6468, 6468.1, 6468.2, 6468.3, 6468.5 of, and to add Section 6468.8 to, the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor August 9, 1972 Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6468 of the Streets and Highways Code is amended to read:

6468. In addition to the method of collecting unpaid assessments against publicly owned property in use in the performance of a public function, as provided in Section 5302.5, and in addition to the issuance of the certificate provided in Section 6467, the legislative body may elect to have bonds issued to represent assessments against such publicly owned property as authorized in Section 5302.6 and as authorized in this chapter.

Such bonds shall be substantially in the following form:

STREET IMPROVEMENT BOND

Series (designating it), in the City (or County)
of (naming it)

\$ _____

No. _____

(Assessment number)

This bond is issued under and by virtue of the provisions of Chapter 4.5 (commencing with Section 6468), Part 5, Division 7 of the Streets and Highways Code as a result of proceedings taken by the legislative body of _____ (under the provisions of the Improvement Act of 191____) (under the provisions of the Municipal Improvement Act of 1913) and is payable out of the redemption fund for the payment of bonds issued to represent the unpaid assessments against publicly owned property owned by the City (County) of _____ hereinafter designated.

This bond is issued to represent the cost of certain public improvements benefiting such public property, which property is more fully described as assessment number(s) _____ in an assessment issued by the street superintendent of said _____ and recorded in his office.

Said assessment was levied on the _____ day of _____ 19____, in an assessment district known and described as "_____"; notice thereof was recorded in the office of the County Recorder of the County of _____, on the _____ day of _____ 19____.

This bond is one of several bonds of like date, tenor and effect, but differing in amounts and maturities, issued by said city (or county) under said law for the purpose of providing means for paying for the work and improvements described in the resolution of intention in the assessment district proceedings hereinabove referred to, and to represent an unpaid assessment against publicly owned property. It is secured by the moneys in said redemption fund and by the unpaid amount of said assessment against said publicly owned property, and, including principal and interest is payable exclusively from said redemption fund and neither the (here insert city or county) nor any officer thereof is to be liable for payment otherwise.

The officer, officers, or board of the entity assessed whose duty it is to levy taxes, is obligated to include in the tax levy for each and every fiscal year of the period of the bonds of the series of which this bond is a part, an amount, in addition to moneys for all other purposes, sufficient to pay the interest falling due on all bonds outstanding of this series, plus the amount necessary to pay the principal of all bonds falling due each fiscal year of the life of this series of bonds. This levy shall be included each fiscal year during the life of this series of bonds, and until the principal and interest upon all bonds of this series shall be paid in full. The levy shall be in addition to any levy or levies made for all other purposes, and shall be made notwithstanding that the tax levy exceeds the maximum tax rate that may otherwise be imposed by law.

The Treasurer of the City (County) of _____ will on the second day of June 19____, solely out of said redemption fund, pay to the bearer the sum of _____ dollars (\$_____) with interest thereon from the _____ day of _____ 19____ at the rate of _____ percent per annum, all as herein specified and at the office of the treasurer of said city (county).

The interest is payable semiannually, to wit: on the second day of

December and June of each fiscal year after the date of this bond, upon presentation of the proper coupons therefor; provided, that the first of said coupons is for interest to the second day of December, 19____, and thereafter the interest coupons are for the semiannual interest. The term "fiscal year" is defined to mean the period from July 1st to and including June 30 of the year following throughout the life of this series of bonds, the first of which fiscal years shall commence the July 1st following the date of this bond. This bond will continue to bear interest after maturity at the rate above stated; provided, it is presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity, interest thereon will run until maturity.

In the event the officer or board whose duty it is to levy taxes to pay for said bonds fails to provide for a tax levy to pay and discharge the principal of the bonds and the interest thereon, the owner of this bond may compel the levy thereof in the manner hereinafter set forth by writ of mandate. The writ of mandate shall include the right to compel the levy of an amount sufficient to pay principal and interest on all bonds issued to represent the same assessment.

The owner of this bond may use mandamus or other appropriate remedy to compel the officer or board, whose duty it is to levy taxes for said obligated owner, to levy an amount in a given year equal to the amount necessary to pay principal and interest on the unpaid portion of this series of bonds and may continue to use mandamus or other remedy to cause a like amount of principal and interest to be levied each year until the whole of the assessment and this series of bonds and all interest thereon has been paid.

If the owner of this bond is successful in any action to compel the levy of the tax under this bond he shall be awarded reasonable attorneys' fees as fixed by the court, and costs, and said attorneys' fees and costs shall be included in the tax levied to pay the same.

This bond may be redeemed and paid in advance of maturity upon the second day of December or June in any year by giving notice in the manner provided for giving of notice for redemption of bonds under the provisions of the Improvement Bond Act of 1915, and by paying principal and accrued interest together with a premium equal to _____ percent of the principal.

In witness whereof, said _____ has caused this bond to be signed by its treasurer and by its clerk and has affixed thereto its corporate seal all on the _____ day of _____ 19____.

Treasurer

Clerk

SEC. 2. Section 6468.1 of the Streets and Highways Code is amended to read:

6468.1. An annual proportion of the aggregate principal sum of bonds issued pursuant to the provisions of this chapter shall be payable on the second day of June of every fiscal year beginning with the fiscal year next following the date of the bonds. The bonds shall bear interest at a rate not in excess of 7 percent per annum from the 31st day after recording the assessment in the office of the superintendent of streets of the entity issuing the bonds, or from their date if the work was done under the Municipal Improvement Act of 1913, on all sums unpaid, until the whole of the principal sum and interest are paid.

Interest shall be payable semiannually by coupon, on the second day of December and June, respectively, of each fiscal year a principal payment accrues. If no bonds are to be issued in the assessment district proceedings other than bonds to represent unpaid assessments against publicly owned property, the bonds shall bear such date as may be determined by the legislative body conducting the proceedings, and shall bear interest from their date. The bonds will continue to bear interest after maturity at the rate stated; provided, they are presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If they are not presented at maturity, interest thereon will run until maturity.

SEC. 3. Section 6468.2 of the Streets and Highways Code is amended to read:

6468.2. The legislative body may by resolution establish the denomination of the bonds, the amount to mature each fiscal year and provide for the issuance and sale of the bonds.

SEC. 4. Section 6468.3 of the Streets and Highways Code is amended to read:

6468.3. The final maturity of the bonds shall not exceed 24 years from that second day of June next succeeding this date.

SEC. 5. Section 6468.5 of the Streets and Highways Code is amended to read:

6468.5. Sections 5302.6, 8653, 8654, 8655, 8670, 8672, 8673 and 8851 of this code are applicable to bonds issued under the provisions of this chapter.

SEC. 6. Section 6468.8 is added to the Streets and Highways Code, to read:

6468.8. The legislative body conducting the proceedings may elect in the resolution of intention to provide that the bonds issued to represent assessments against property in the use of the performance of a public function shall provide a prepayment premium not to exceed 5 percent of the principal amount of bond. In such case, the amount of the premium shall be inserted in the bonds described in Section 6468.

CHAPTER 630

An act to amend the heading of Division 15 (commencing with Section 22000) of, and to add Part 2 (commencing with Section 22500) to Division 15 of, the Streets and Highways Code, relating to the installation and maintenance of landscaping and lighting on public streets and property and providing for the formation of special assessment districts and the levy and collection of special assessments to pay the costs and expenses thereof.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. The heading of Division 15 (commencing with Section 22000) of the Streets and Highways Code is amended to read:

DIVISION 15. TREE PLANTING, LANDSCAPING,
AND LIGHTING

SEC. 2. Part 2 (commencing with Section 22500) is added to Division 15 of the Streets and Highways Code, to read:

PART 2. LANDSCAPING AND LIGHTING
ACT OF 1972

CHAPTER 1. INTRODUCTORY PROVISIONS

Article 1. General

22500. This part shall be known and may be cited as the "Landscaping and Lighting Act of 1972."

22501. This part shall apply to local agencies whose annual taxes are carried on the county assessment roll and are collected by the county.

22502. This part provides an alternative procedure for making the improvements herein authorized and shall not apply to or affect any other provisions of this code.

22503. An assessment district shall consist of all territory which, as determined by the legislative body, will be benefited by the improvements and is to be assessed to pay the costs thereof.

22504. An assessment district may consist of all or any part of the territory within the local agency and, in the case of a county, may consist of all or any part of the unincorporated territory of the county.

22505. An assessment district may consist of contiguous or noncontiguous areas. The improvements in one area need not be of benefit to other areas.

22506. The provisions of Chapter 2 (commencing with Section

5115) of Part 3 of Division 7, pertaining to the extension of the work or the assessment district beyond the boundaries of a local agency, are by this reference incorporated in this part.

22507. The provisions of Division 4 (commencing with Section 2800) and Division 4.5 (commencing with Section 3100) shall not apply to this part or proceedings taken pursuant thereto.

22508. Any resolution, notice, report, diagram or assessment which is required to contain a description of the improvements, the boundaries of the assessment district or any zones therein, or the lines and dimensions of any lot or parcel of land may, for a full and detailed description thereof, refer to any plan or map which is on file with the clerk, the county auditor, or the county assessor and which is open to public inspection. The plan or map so referred to shall govern for all details of the description.

22509. This part shall be liberally construed to effectuate its purpose. Any proceedings taken under this part and any assessment levied pursuant thereto shall not be invalidated for failure to comply with the provisions of this part if such failure does not substantially and adversely affect the rights of any person. All determinations made by the legislative body pursuant to this part shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.

Article 2. Definitions

22520. The definitions contained in this article govern the construction of this part unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof.

22521. "Assessment district" means an assessment district formed pursuant to this part.

22522. "Clerk" means the clerk or secretary of a local agency or its legislative body.

22523. "Engineer" means the city engineer, county engineer, engineer of the district, or any other person designated by the legislative body as the engineer for the purposes of this part, including any officer, board, or employee of the local agency or any private person or firm specially employed by the local agency as engineer for the purposes of this part.

22524. "Fiscal year" means a 12-month period commencing on July 1 and ending on the following June 30.

22525. "Improvement" means one or any combination of the following:

- (a) The installation or planting of landscaping.
- (b) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- (c) The installation or construction of public lighting facilities.
- (d) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, grading, clearing, removal of debris, the installation or construction

of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.

(e) The maintenance or servicing, or both, of any of the foregoing.

22526. "Incidental expenses" include:

(a) The costs of preparation of the report, including plans, specifications, estimates, diagram, and assessment.

(b) The costs of printing, advertising, and the giving of published, posted, and mailed notices.

(c) Compensation payable to the county for collection of assessments.

(d) Compensation of any engineer or attorney employed to render services in proceedings pursuant to this part.

(e) Any other expenses incidental to the construction or installation of the improvements or to the maintenance and servicing thereof.

22527. "Including," unless expressly limited, means including without limitation.

22528. "Landscaping" means trees, shrubs, grass, or other ornamental vegetation.

22529. "Legislative body" means the legislative body or governing board of any local agency.

22530. "Local agency" means a county, a city and county, a city, or a special district.

22531. "Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

(a) Repair, removal, or replacement of all or any part of any improvement.

(b) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.

(c) The removal of trimmings, rubbish, debris, and other solid waste.

22532. "Property owner" means: any person shown as the owner of land on the last equalized county assessment roll; when such person is no longer the owner, then any person entitled to be shown as owner on the next county assessment roll, if such person is known to the local agency; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser.

22533. "Public agency" means the state or federal governments, any city, county, or other public corporation formed pursuant to charter, general law, or special act, for the performance of governmental or proprietary functions within limited boundaries and any department, board, commission, independent agency, or instrumentality of any of the foregoing.

22534. "Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including ornamental standards, luminaires, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs,

platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.

22535. "Public places" means one or any combination of the following:

(a) Any public street, highway, road, alley, lane, boulevard, parkway, or other way dedicated to or used for public use.

(b) Any public property, right-of-way, or leasehold interest which is in use in the performance of a public function and which adjoins any of the ways described in subdivision (a).

22536. "Public utility" means any public utility subject to the jurisdiction of and regulated by the Public Utilities Commission.

22537. "Resolution" includes an ordinance.

22538. "Service" or "servicing" means the furnishing of:

(a) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.

(b) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

22539. "Special district" means any public corporation, other than a county or a city, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries and which is authorized by such law or act to make any of the improvements or to furnish the maintenance or services provided for in this part.

22540. "Treasurer" means the treasurer of a local agency.

Article 3. Notice

22550. "Notice" means any resolution, order, notice, or other instrument authorized or required by this part to be published, posted, or mailed.

22551. The clerk shall give notice or cause the same to be given in accordance with this article, unless the legislative body delegates the duty of giving the notice to some other officer or board.

22552. Published notice shall be made pursuant to Section 6061 of the Government Code.

22553. Publication of notice of hearing shall be completed at least 10 days prior to the date of hearing specified therein.

22554. Posted notices, other than of hearings for the formation of an assessment district or for the annexation of territory to an existing district, shall be made by posting upon any official bulletin board customarily used by the local agency or legislative body for the posting of notices.

22555. Posted notices of hearings for the formation of an assessment district or for the annexation of territory to an existing district shall be headed "Notice of Improvement" in letters at least one inch in height. The notices, not less than three in all, shall be posted at intervals of not more than 300 feet along all streets within

the proposed assessment district or within the territory proposed to be annexed to an existing district, as the case may be. Posting of notice of those hearings shall be completed at least 10 days prior to the date of hearing specified therein.

22556. Mailed notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed given when so deposited. Mailed notice to property owners shall be given by mailing to those persons whose names and addresses appear on the last equalized county assessment roll.

22557. Mailed notices of hearings for the formation of an assessment district or for the annexation of territory to an existing district shall be given to property owners within the proposed assessment district or within the territory proposed to be annexed to an existing district, as the case may be. Mailed notice of those hearings shall be given at least 10 days prior to the date of hearing specified therein.

Article 4. Reports

22565. The engineer shall prepare reports in accordance with this article.

22566. A report shall be prepared for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described in the report.

22567. A report shall refer to the assessment district by its distinctive designation, specify the fiscal year to which the report applies and, with respect to that year, shall contain:

- (a) Plans and specifications for the improvements.
- (b) An estimate of the costs of the improvements.
- (c) A diagram for the assessment district.
- (d) An assessment of the estimated costs of the improvements.

22568. The plans and specifications shall show and describe existing and proposed improvements. The plans and specifications need not be detailed, but shall be sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and type of improvements to be provided for each such zone. The plans or specifications may be prepared as separate instruments or either or both may be incorporated in the diagram as a combined instrument.

22569. The estimate of the costs of the improvements for the fiscal year shall contain estimates for the following:

- (a) The total improvement costs, being the total costs of constructing or installing all proposed improvements and of maintaining and servicing all existing and proposed improvements, including all incidental expenses.
- (b) The amount of any surplus or deficit in the improvement fund to be carried over from a previous fiscal year.
- (c) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(d) The amount, if any, of the annual installment for the fiscal year where the legislative body has ordered an assessment for the estimated cost of any improvements to be levied and collected in annual installments.

(e) The net amount to be assessed upon assessable lands within the assessment district, being the total improvement costs, as referred to in subdivision (a), increased or decreased, as the case may be, by any of the amounts referred to in subdivision (b), (c), or (d).

22570. The diagram for an assessment district shall show (a) the exterior boundaries of the assessment district, (b) the boundaries of any zones within the district, and (c) the lines and dimensions of each lot or parcel of land within the district. Each lot or parcel shall be identified by a distinctive number or letter.

22571. The lines and dimensions of each lot or parcel of land shown on the diagram shall conform to those shown on the county assessor's maps for the fiscal year to which the report applies. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any lots or parcels, in which case, those maps shall govern for all details concerning the lines and dimensions of such lots or parcels.

22572. The assessment shall refer to the fiscal year to which it applies and shall:

(a) State net amount, determined in accordance with Section 22569, to be assessed upon assessable lands within the assessment district.

(b) Describe each assessable lot or parcel of land within the district.

(c) Assess the net amount upon all assessable lots or parcels of land within the district by apportioning that amount among the several lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The assessment may refer to the county assessment roll for a description of the lots or parcels, in which case that roll shall govern for all details concerning the description of the lots or parcels.

22573. The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000)).

22574. The diagram and assessment may classify various areas within an assessment district into different zones where, by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory which will receive substantially the same degree of benefit from the improvements.

CHAPTER 2. ORGANIZATION OF THE ASSESSMENT
DISTRICT; LEVY OF FIRST ASSESSMENT

Article 1. Formation of an Assessment District

22585. Proceedings for the formation of an assessment district shall be initiated by resolution. The resolution shall:

(a) Propose the formation of an assessment district pursuant to this part.

(b) Describe the improvements.

(c) Describe the proposed assessment district and specify a distinctive designation for the district.

(d) Order the engineer to prepare and file a report in accordance with Article 4 (commencing with Section 22565) of Chapter 1.

The descriptions need not be detailed but shall be sufficient if they enable the engineer to generally identify the nature, location, and extent of the improvements and the location and extent of the assessment district.

22586. Upon completion, the engineer shall file the report with the clerk for submission to the legislative body. The legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

22587. After approval of the report, either as filed or as modified, the legislative body shall adopt a resolution of intention. The resolution shall:

(a) Declare the intention of the legislative body to order the formation of an assessment district and to levy and collect assessments pursuant to this part.

(b) Generally describe the improvements.

(c) Refer to the proposed assessment district by its distinctive designation and indicate the general location of the district.

(d) Refer to the report of the engineer, on file with the clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

(e) Give notice of, and fix a time and place for, a hearing by the legislative body on the question of the formation of the assessment district and the levy of the proposed assessment.

22588. The clerk shall give notice of hearing by causing the resolution of intention to be published, posted, and mailed.

22589. Prior to the conclusion of the hearing, any interested person may file a written protest with the clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by him.

22590. The legislative body shall hold the hearing at the time and place fixed in the resolution of intention and in any order continuing the hearing. All interested persons shall be afforded the opportunity to hear and be heard. The legislative body shall consider all oral statements and all written protests or communications made or filed by any interested persons.

22591. During the course or upon the conclusion of the hearing, the legislative body may order changes in any of the matters provided in the report, including changes in the improvements, the boundaries of the proposed assessment district and any zones therein, and the proposed diagram or the proposed assessment. The legislative body may, without further notice, order the exclusion of territory from the proposed district, but shall not order the inclusion of additional territory within the district except upon written request by a property owner for the inclusion of his property or upon the giving of mailed notice of hearing to property owners upon the question of the inclusion of their property in the district.

22592. Upon the conclusion of the hearing, the legislative body shall determine whether a majority protest exists. For that purpose, the extent of the territory of the proposed assessment district shall be adjusted in accordance with any orders excluding territory from or including additional territory within the district.

22593. Proceedings for the formation of the assessment district shall be abandoned if there is a majority protest unless, by a four-fifths vote of all members of the legislative body, the protest shall be overruled. A majority protest exists if, upon the conclusion of the hearing, written protests filed and not withdrawn represent property owners owning more than 50 percent of the area of assessable lands within the proposed district.

22594. If a majority protest has not been filed, or, if filed, has been overruled, the legislative body may adopt a resolution ordering the improvements and the formation of the assessment district and confirming the diagram and assessment, either as originally proposed by the legislative body or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment.

Article 2. Changes of Organization for Assessment Districts

22605. The legislative body, either in a single proceeding or by separate proceedings, may order one or any combination of the following changes of organization:

(a) The annexation of territory to an existing assessment district formed under this part.

(b) The detachment of territory from an existing assessment district formed under this part.

(c) The dissolution of an existing assessment district formed under this part.

(d) The consolidation into a single assessment district formed

under this part of any combination of two or more of any of the following:

- (1) An existing assessment district formed pursuant to this part.
- (2) An existing lighting, street lighting, maintenance, or tree planting district formed pursuant to Chapter 26 (commencing with Section 5820) of Part 3 of Division 7, Part 1 (commencing with Section 18000), Part 2 (commencing with Section 18300), or Part 3 (commencing with Section 18600) of Division 14, or Part 1 (commencing with Section 22000) of this division, or pursuant to any procedural ordinance adopted by a charter city.

22606. Proceedings for a change of organization may be:

(a) Undertaken subsequent to or concurrently with proceedings for the formation of an assessment district under this chapter. Any or all such proceedings may be conditioned on the completion of any other or all such proceedings.

(b) Combined with proceedings for the formation of an assessment district under this chapter. In such case, any of the several resolutions, reports, notices, or other instruments provided for in this part may be combined into single documents.

22607. Except as otherwise provided in this article, proceedings for a change of organization shall be initiated, conducted, and completed in substantial accordance with the procedure provided in Article 1 (commencing with Section 22585) of this chapter for the formation of an assessment district.

22608. In annexation proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be limited to the territory proposed to be annexed. Notice of hearing on the proposed annexation shall be published, posted, and mailed. Mailed notice may be dispensed with as to all property owners who shall have filed a written request for the annexation of their property.

22609. In detachment proceedings, the resolutions, report, notices of hearing, and right of majority protest shall be limited to the territory proposed to be detached. The legislative body may dispense with:

(a) The resolution and report required by Sections 22585 and 22586 and may initiate proceedings by the adoption of the resolution of intention.

(b) Posted and mailed notice of hearing.

22610. In dissolution proceedings, the legislative body may dispense with the resolution and report required by Sections 22585 and 22586 and may initiate dissolution proceedings by the adoption of the resolution of intention. The legislative body may dispense with posted and mailed notice of hearing. If the legislative body orders the dissolution of an assessment district, any moneys in the improvement fund for the district shall be transferred to the general fund of the local agency.

**CHAPTER 3. LEVY OF ANNUAL ASSESSMENTS AFTER
FORMATION OF AN ASSESSMENT DISTRICT**

22620. This chapter shall apply to all annual assessments levied after the formation of an assessment district.

22621. Proceedings shall be taken pursuant to this chapter for any fiscal year during which an assessment is to be levied and collected within an existing assessment district.

22622. The legislative body shall adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of this part.

22623. Upon completion, the engineer shall file the report with the clerk for submission to the legislative body. The legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

22624. After approval of the report, either as filed or as modified, the legislative body shall adopt a resolution of intention. The resolution shall:

(a) Declare the intention of the legislative body to levy and collect assessments within the assessment district for the fiscal year stated therein.

(b) Generally describe the existing and proposed improvements and any substantial changes proposed to be made in existing improvements.

(c) Refer to the assessment district by its distinctive designation and indicate the general location of the district.

(d) Refer to the report of the engineer, on file with the clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

(e) Give notice of the time, as fixed by Section 22625, and the place for hearing by the legislative body on the levy of the proposed assessment.

22625. The date, hour, and place of the hearing is hereby fixed as the date, hour, and place of the first regular meeting in June, as specified in any ordinance, resolution, or order of the legislative body fixing the time and place of its regular meetings.

22626. The clerk shall give notice of hearing by causing the resolution of intention to be published and posted.

22627. The clerk shall give mailed notice of hearing to property owners owning lots or parcels in the following categories:

(a) Where there is an increase in the amount proposed to be assessed upon any lot or parcel by reason of a change of zone or a change in the formula or method of apportioning the net amount to be assessed upon lands within the assessment district.

(b) Where there has been a division of any lot or parcel of land

assessed during the previous fiscal year and, as a result thereof, the divided lots or parcels are owned by different persons.

22628. Any interested person may, prior to the conclusion of the hearing, file a written protest with the clerk or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by him.

22629. The legislative body shall hold the hearing at the time and place specified in the resolution and in any order continuing the hearing. All interested persons shall be afforded the opportunity to hear and be heard. The legislative body shall consider all oral statements and all written protests made or filed by any interested person. The legislative body may continue the hearing from time to time, provided, that no continuance shall be made to a date subsequent to the following July 1 without the prior consent of the county auditor.

22630. During the course or upon the conclusion of the hearing, the legislative body may order changes in any of the matters provided in the report, including changes in the improvements, any zones within the assessment district, and the proposed diagram or the proposed assessment.

22631. Upon the conclusion of the hearing, the legislative body may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment.

CHAPTER 4. COMPLETION OF PROCEEDINGS; COLLECTION OF ASSESSMENTS

Article 1. Completion of Proceedings; Filing of Diagram and Assessment

22640. Hearings upon the formation of an assessment district, upon a change of organization for an existing district, or upon the levy of annual assessments after formation of a district shall be concluded and any resolution confirming a diagram and an assessment shall be adopted not later than:

(a) July 1 of the fiscal year during which the assessments are to be collected on the county assessment roll; or

(b) Such later date, not beyond the third Monday in August, as the county auditor may authorize.

22641. Immediately after the adoption of any resolution confirming a diagram and assessment and by not later than the third Monday in August, the clerk shall file the diagram and assessment, or a certified copy thereof, with the county auditor.

Article 2. Collection of Assessments

22645. After the filing of the diagram and assessment, the county auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount assessed thereupon, as shown in the assessment.

22646. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments.

22647. After collection by the county, the net amount of the assessments, after deduction of any compensation due the county for collection, shall be paid to the treasurer.

CHAPTER 5. FINANCIAL PROVISIONS

22655. Upon receipt of moneys representing assessments collected by the county, the treasurer shall deposit the moneys in the treasury of the local agency to the credit of an improvement fund for the assessment district from which they were collected, and the moneys shall be expended only for the improvements authorized for such district.

22656. If there is a surplus or a deficit in the improvement fund of an assessment district at the end of any fiscal year, the surplus or deficit shall be carried forward to the next annual assessment to be levied within such district and applied as a credit or a debit, as the case may be, against such assessment.

22657. If there is a deficit in the improvement fund of an assessment district during any fiscal year, the legislative body, from any available and unencumbered funds of the local agency, may provide for:

(a) A contribution to the improvement fund.

(b) A temporary advance to the improvement fund and direct that the advance be repaid from the next annual assessments levied and collected within the assessment district.

22658. The legislative body may accept contributions from any source toward payment of improvement costs. The legislative body, at any time either before or after the confirmation of the assessment, may provide for contributions towards payment of improvement costs from the funds of the local agency. All contributions shall be deposited in the improvement fund of the assessment district for which the contribution was provided.

22659. All contributions authorized prior to confirmation of an assessment shall be deducted from the total improvement costs to be assessed within the assessment district.

22660. The legislative body may by resolution determine that the estimated cost of specified proposed improvements, other than costs of maintenance and servicing, is greater than can be conveniently raised from a single annual assessment and order that such estimated

cost shall be raised by an assessment levied and collected in installments over a period not to exceed five fiscal years. The resolution shall generally describe the proposed improvements, set forth the estimated cost thereof, specify the number of annual installments and the fiscal years during which they are to be collected, and fix or determine the total amount of each annual installment.

22661. After adoption of a resolution providing for annual installment assessments, the engineer, in preparing reports required by Article 4 (commencing with Section 22565) of Chapter 1 of this part, shall include in the estimate and the assessment for each fiscal year specified in the resolution the total amount of the annual installment fixed or determined for such year.

22662. If a resolution providing for annual installment payments has been adopted, in the resolution or subsequent thereto, the legislative body may provide for:

(a) The accumulation of the moneys collected from the annual installments in the improvement fund until there shall be sufficient moneys to pay all or part of the cost of the improvements described in the resolution.

(b) A temporary advance to the improvement fund from any available and unencumbered funds of the local agency to pay all or part of the cost of the improvements described in the resolution and direct that the advance be repaid from the annual installments levied and collected during the fiscal years designated in the resolution.

22663. Public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment under this part unless the resolution of intention expressly provides that it shall be assessed. If the resolution provides that public property shall be assessed, the local agency conducting the proceedings shall be liable for payment of all amounts so assessed. Any such amounts shall be payable from the general fund of the local agency unless the resolution of intention designates some other fund. To the extent that any such amounts are paid by the public agency owning the public property, the local agency conducting the proceedings shall not be liable therefor.

CHAPTER 6. PERFORMING THE WORK

22675. The legislative body, by contract or otherwise, shall provide for the performance of all work ordered by it pursuant to this part, including the construction and installation of any improvements and the furnishing of maintenance or service for any improvements.

22676. All or any part of the improvements may be constructed, installed, or owned and all or any part of the maintenance and servicing of any of the improvements may be provided by one or any combination of any of the following:

(a) The local agency conducting proceedings.

(b) Any other public agency.

(c) Any public utility.

22677. The local agency, by contract made with another public agency or with a public utility, may provide for the construction, installation, or ownership of any improvements or for the furnishing of maintenance or service for any improvements. Any contract with another public agency shall be made in compliance with all laws applicable to the other public agency and to the local agency. Any contract with a public utility shall be made in compliance with and subject to all tariffs, rules, and rate schedules of the public utility on file with and approved by the Public Utilities Commission. Except as otherwise provided in this section, a contract may contain such provisions as may be agreed upon by the local agency and the other public agency or the public utility, as the case may be.

22678. Except for any work provided for by contract made pursuant to Section 22677, the legislative body shall provide for the construction or installation of all improvements and for the furnishing of maintenance and service for any improvements in accordance with and subject to all laws applicable to the local agency, including any laws requiring the letting of contracts after competitive bidding.

22679. The legislative body may (a) provide for the construction or installation of any improvements authorized by this part by proceedings taken pursuant to any other special assessment law or, in the case of a charter city, any procedural ordinance of the city and, (b) provide for the maintenance or servicing of those improvements by proceedings taken pursuant to this part. The proceedings may be taken separately or combined. If combined, any of the several resolutions, reports, notices or other instruments provided for in this part may be combined with those provided for in the other special assessment law or procedural ordinance.

CHAPTER 631

An act to repeal Section 1.5 of the Vehicle Code, relating to the operative date of acts affecting the Vehicle Code, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.5 of the Vehicle Code is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will affect the operative date of other bills which are before the Legislature at its 1972 Regular Session. It is necessary that this act take immediate effect.

CHAPTER 632

An act to add Chapter 3 (commencing with Section 295) to Division 2a of the Probate Code, relating to administration of estates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 295) is added to Division 2a of the Probate Code, to read:

CHAPTER 3. ADMINISTRATION OF ESTATES OF ABSENTEES

295. As used in this chapter:

(1) "Absentee" means either (a) a member of a uniform service covered by United States Code, Title 37, Chapter 10, who is determined thereunder by the secretary concerned or his delegate to be in missing status, as missing status is defined therein; or (b) an employee of the United States government or an agency thereof covered by United States Code, Title 5, Chapter 55, Subchapter VII, who is determined thereunder by the head of the department or agency concerned or his delegate to be in missing status as missing status is defined therein.

(2) "Certificate" means the official written report complying with Section 1283 of the Evidence Code, showing the determination of the secretary of the military department or the head of the department or agency concerned or his delegate, as the case may be, that the absentee is in missing status.

(3) "Eligible spouse" means the spouse of an absentee, which spouse has not commenced any action or proceeding for judicial or legal separation, divorce, annulment, adjudication of nullity, or dissolution of the marriage of such spouse and the absentee.

(4) "Family of an absentee" means an eligible spouse, if any, or if no eligible spouse, the child or children of an absentee, equally, or if no child or children, the parent or parents of an absentee, equally, provided such persons are dependents of the absentee as defined in Section 401 of Title 37 of the United States Code, and the conservator or guardian of the estate of any person bearing such relationship to the absentee.

(5) "Secretary concerned" has the same meaning as defined in Section 101 of Title 37 of the United States Code.

295.1. If an absentee owns no real property situated in California, and the aggregate value of all of the personal property of the absentee situated in California is five thousand dollars (\$5,000) or less, excluding therefrom any moneys owed the absentee by the United States, the family of the absentee may collect, receive, dispose of or engage in any transaction relating to such personal property, if necessary to provide for shelter, food, health care, education, transportation, or the maintenance of a reasonable and adequate standard of living for the family of the absentee, without any judicial proceeding.

In such case the family of the absentee shall have any evidences of interest, indebtedness or right attributable to such items of personal property transferred to them, upon furnishing the person (including any governmental body) having custody of such property or the person (including any governmental body) to whom the property is to be sold or transferred by the family of the absentee, with a certificate as defined in Section 295, together with an affidavit stating under oath that the provisions of this section are applicable and that the aggregate value of all property received pursuant to this affidavit, together with all other property previously received under this section, does not exceed five thousand dollars (\$5,000).

295.2. The receipt of such certificate and affidavit shall constitute sufficient acquittance for any payment of money or delivery of property made pursuant to the provisions of this chapter and shall fully discharge such person, representative, corporation, officer, or body from any further liability with reference thereto, without the necessity of inquiring into the truth of any of the facts stated in the affidavit.

295.3. The time in which an absentee, as defined in Section 295, shall have to commence any action against any person who executes an affidavit and receives property pursuant to Section 295.1 shall commence to run on the earlier of the following: (a) 90 days after the absentee returns to the continental United States after the termination of the condition which caused his classification as an absentee; or (b) two years after the termination of the condition which caused his classification as an absentee.

295.4. In the event an absentee as defined in Section 295 executed a general or special power of attorney which expires during the period which occasions such status, the general or limited power of attorney shall be continued in full force and effect until 30 days after such absentee status is terminated. Any person, representative, corporation, officer or body who acts in reliance upon any such power of attorney when accompanied by a copy of the written report or record issued by an employee of the United States as stated in Section 295 shall be relieved from any liability for relying and acting upon the power of attorney.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

The families of persons who are missing in action or prisoners of war in Southeast Asia are in immediate need of funds to provide for their shelter, food, health care, education, transportation, and other necessities of life, and this act is necessary to give immediate financial relief to such persons.

CHAPTER 633

An act to add Sections 22013.4 and 22014.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 22013.4 is added to the Government Code, to read:

22013.4. "Policeman" as used in this part also includes persons designated by Section 31470.6 as persons whose principal duties consist of "active law enforcement"; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218(d) (5) (A) of the Social Security Act.

SEC. 2. Section 22014.1 is added to the Government Code, to read:

22014.1. "Fireman" as used in this part also means any officer or employee of a county having a population in excess of 5,000,000 who is employed by the forestry division of the county fire department and whose principal duties consist of active fire suppression; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "fireman" issued by the federal agency for the purposes of Section 218(d) (5) (A) of the Social Security Act.

SEC. 3. Section 1 of this act shall not become operative until such time as a ruling or regulation authorizing the inclusion of the persons described in that section within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d) (5) (A) of the Social Security Act.

SEC. 4. Section 2 of this act shall not become operative until such time as a ruling or regulation authorizing the inclusion of the persons described in that section within the definition of "fireman" is issued by the federal agency for purposes of Section 218(d) (5) (A) of the Social Security Act.

CHAPTER 634

An act to amend Section 17601.1 of the Education Code, relating to attendance.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district and community college district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be recomputed on the basis of the foundation program and assessed valuation of the district of the fiscal year in which such increases and decreases in average daily attendance were applicable and the appropriate increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the separate state support which is provided for attendance in such schools and classes shall be

recomputed on the basis of the fiscal year average daily attendance, and increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each community college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For community colleges under the provisions of this paragraph, the "first period" shall be the summer session and the fall semester for semester system colleges, the summer and fall quarters for colleges on the three-quarter system, and the summer and fall quarters for colleges on the four-quarter system. The "second period" shall be the "academic year" which is the summer session plus the first and second semester for semester system colleges, the summer session plus the first and second quarters for three-quarter-system colleges, and the summer, fall, and winter quarters for four-quarter-system colleges.

The "academic year" for three- or four-quarter-system colleges is reported on the annual report and adjustments shall be made as set forth in the first paragraph of this section.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For community colleges, the hours of attendance shall be divided by 525 for all classes of less than four weeks duration. For summer sessions of four weeks or more, average daily attendance shall be computed as provided in Section 11475.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175 for kindergarten and grades 1 to 12, inclusive. In community colleges, the divisor for contact hours of adult classes is 300 for the first period and 525 for the second period.

CHAPTER 635

An act to add Section 23.5 to the Agricultural Code, relating to catfish farms.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 23.5 is added to the Agricultural Code, to read:

23.5. The commercial production of farm-cultivated catfish in the state is a growing industry and provides a healthful and nutritious food product, and as a commercial operation, it utilizes management, land, water, and feed as do other agricultural enterprises. Therefore, the commercial production of farm-cultivated catfish shall be considered a branch of the agricultural industry of the state for the purpose of any law which provides for the benefit or protection of the agricultural industry of the state.

CHAPTER 636

An act to amend Sections 14581, 14585, and 14686 of, and to add Section 14622 to, the Agricultural Code, relating to fertilizing materials.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 14581 of the Agricultural Code is amended to read:

14581. In determining the percentage of component parts of any substance for the purpose of proper labeling, registration, or determining compliance with representations, all analyses shall be made according to such method as may be determined by the director by regulation.

SEC. 2. Section 14585 of the Agricultural Code is amended to read:

14585. The director by regulation shall establish sampling procedures.

SEC. 3. Section 14622 is added to the Agricultural Code, to read:

14622. The director whenever he deems it necessary for the effective administration of this chapter may require submission of pertinent scientific data on the effectiveness of any auxiliary soil chemical or to substantiate any claims made for the product. If after evaluating the data, the director has reason to believe that the

product is not effective or the claim is not supported, he may, after hearing, cancel the registration of or refuse to register any auxiliary soil chemical.

SEC. 4. Section 14686 of the Agricultural Code is amended to read:

14686. Failure to submit any tonnage report or pay any tonnage license tax when due shall subject the registrant to the payment of a penalty of 10 percent of the amount which is due.

CHAPTER 637

An act to amend Section 175 of, and to repeal Sections 174 and 266c of, the Penal Code, relating to importation of Chinese or Japanese.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 174 of the Penal Code is repealed.

SEC. 2. Section 175 of the Penal Code is amended to read:

175. Every individual person of the classes referred to in Section 173, brought to or landed within this state contrary to the provisions of such section, renders the person bringing or landing liable to a separate prosecution and penalty.

SEC. 3. Section 266c of the Penal Code is repealed.

CHAPTER 638

An act to add Chapter 17 (commencing with Section 7497) to Division 6 of the Education Code, relating to abstract conceptually oriented mathematics, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17 (commencing with Section 7497) is added to Division 6 of the Education Code, to read:

CHAPTER 17. ABSTRACT, CONCEPTUALLY ORIENTED MATHEMATICS PROGRAM

7497. This chapter shall be known and may be cited as "The Abstract, Conceptually-Oriented Mathematics Program Act."

7497.1. As used in this chapter:

(a) "Abstract, conceptually oriented mathematics" means mathematics which includes such general topics as algebra, number theory, set theory, elementary logic, coordinate geometry, combinatorics, and intuitive geometry and which are taught at secondary or college level of sophistication, with an approach aimed at the understanding of the underlying relationships and structure of mathematics.

(b) "Discovery method" means a mode of teaching that arrives at tentative answers through questioning and inductive reasoning.

(c) "Educationally needy children" means children who are enrolled in any school which meets the requirements for grants authorized by Title I of the Elementary and Secondary Education Act of 1965, as amended.

(d) "Elementary school" means a school organized to include any grades, or combination of grades, kindergarten and grades 1 through 8, inclusive.

(e) "Mathematics specialist" means a person who has at least the equivalent of 36 semester hour credits in mathematics or in the mathematical sciences from an accredited college or university.

7497.2. Any school district maintaining an elementary school which has a high percentage of educationally needy children, meeting the provisions of Title I of the Elementary and Secondary Education Act of 1965, as amended, is eligible for the abstract, conceptually oriented mathematics program prescribed in this chapter and may apply to the Superintendent of Public Instruction for approval of the establishment of such a program.

The number of school districts whose applications may be approved by the Superintendent of Public Instruction shall not exceed four.

7497.3. Abstract, conceptually oriented mathematics class sessions, consisting of at least 40 minutes, but not more than 60 minutes, each and utilizing the discovery method, shall be held not less than four times per week, provided that not more than one such session shall be held per day per class with any grade placement from kindergarten through 6, inclusive.

7497.4. Abstract, conceptually oriented mathematics classes shall be in addition to regular mathematics classes for educationally needy children in participating elementary schools.

7497.5. In-service training of a local teaching staff shall be accomplished by having the regular classroom teacher present during the project class sessions. The mathematics specialist shall consult for at least one additional period per week with the school district staff involved in the project.

7497.6. The Superintendent of Public Instruction may contract with a nonprofit corporation which he determines to be most knowledgeable about such a program to carry out the provisions of this article, except the provisions of Sections 7497.2, 7497.7, 7497.8, and 7497.9, including, but not limited to, recruiting, training,

selecting, placing, and supervising the mathematics specialists, coordinating all matters, and providing in-service training of local teaching staffs.

7497.7. The Superintendent of Public Instruction shall provide for an evaluation of the program prescribed by this chapter which shall include, but not be limited to, an assessment of its impact on the mathematics achievement of target pupils, and an analysis of changes in motivation, interest, and self-image among the same pupils. The Superintendent of Public Instruction shall contract with an independent, nonprofit agency to conduct all of the evaluation.

The contractual agreement between the Superintendent of Public Instruction, the independent, nonprofit agency, and the nonprofit corporation prescribed in Section 7497.6 shall specify the nature and frequency of the fiscal auditing of participating school districts. All costs for personnel, in-service education, and internal management shall be determined and included in the fiscal audit report.

The Superintendent of Public Instruction shall report at least annually the findings of such evaluations to the State Board of Education and to the Legislature.

7497.8. The program prescribed by this chapter shall be monitored by the Superintendent of Public Instruction to ensure that classes are staffed and conducted according to the contract prescribed in Section 7497.6. The Superintendent of Public Instruction shall withhold funding for classes that do not satisfy the contractual agreements for staffing, instruction, in-service training, data collection, accounting, and other program commitments.

The Superintendent of Public Instruction shall publish guidelines and directions for participating school districts which shall contain specific instructions for the systematic collection of necessary information.

7497.9. Funds appropriated to the Superintendent of Public Instruction for the purposes of this chapter shall, unless otherwise specified in such appropriation, be expended in accordance with the following schedule:

(a) An amount not to exceed 12 percent of the appropriation shall be used for the costs incurred by the Superintendent of Public Instruction in the administration of the programs prescribed by this chapter and for the costs of the evaluation of the program pursuant to Section 7497.7.

(b) The balance of the appropriation shall be available for the contracts prescribed in Section 7497.6, provided that not more than four thousand five hundred dollars (\$4,500) shall be allowed per class; however, the Superintendent of Public Instruction may increase this maximum amount for each fiscal year commencing with fiscal year 1973-1974 and thereafter by an amount determined by the application of the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured by the calendar year next preceding the fiscal year to which it applies, to this maximum amount. The classes shall consist

of not more than 35 students.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act authorizes the establishment of abstract, conceptually oriented mathematics programs in not more than four school districts. In order that such programs may be put into operation at the commencement of the coming school year, it is necessary that this act go into immediate effect.

CHAPTER 639

An act to amend Sections 65855 and 65860 of the Government Code, and to add Section 11554.5 to the Business and Professions Code, relating to zoning and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 11554.5 is added to the Business and Professions Code, to read:

11554.5. If an extension of time for preparing the final map has been granted pursuant to Section 11554, the governing body may grant a subsequent extension, not to exceed one year; provided that such extension may be granted only if the governing body finds that there is no general plan for the area and that therefore it is unable to make the finding required by Section 11526. This section shall apply only to tentative maps which have secured the extension provided in Section 11554 prior to March 4, 1972.

SEC. 1.5. Section 65855 of the Government Code is amended to read:

65855. After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

SEC. 2. Section 65860 of the Government Code, as amended by Chapter 1446, Statutes of 1971, is amended to read:

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1973. A zoning ordinance shall be consistent with a city or county general plan only if:

(i) The city or county has officially adopted such a plan, and
(ii) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in such a plan.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action in the superior court to enforce compliance with the provisions of subdivision (a). Any such action or proceedings shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. Any action or proceedings taken pursuant to the provisions of this subsection must be taken within six months of January 1, 1973, or within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance as to said amendment or amendments.

SEC. 3. The Legislature finds and declares that Section 2 of this act is intended to clarify the provisions of Section 65860 of the Government Code and thereby to promote and to facilitate the uniform administration of such provisions throughout the state. It is therefore the intent of the Legislature in enacting Section 2 of this act only to declare and to clarify existing law.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that city and county zoning ordinances be consistent with general plans by January 1, 1973, as required by law it is necessary that the term "consistent" be defined immediately.

CHAPTER 640

An act to add Section 6010.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6010.4 is added to the Revenue and Taxation Code, to read:

6010.4. If two or more persons engaged in the production and distribution of motion pictures for use in any media form a partnership for the purpose of reducing the cost of producing motion pictures through the sharing of the use of equipment, studio facilities and the services of personnel, the furnishing (without transferring title to tangible personal property) of such equipment, facilities and services by the partnership to its members for the purpose of the production of motion pictures by its members shall not constitute

either a "sale" or "purchase."

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect; however it shall become operative on the first day of the first calendar quarter following enactment.

CHAPTER 641

An act to amend Sections 851.5, 852, 853 and 1240 of the Probate Code, relating to title disputes.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 851.5 of the Probate Code is amended to read:

851.5. If a person dies in possession of, or holding title to, real or personal property which, or some interest in which, is claimed to belong to another, or dies having a claim to real or personal property, title to or possession of which is held by another, the executor, administrator, or any claimant may file with the clerk of the court a verified petition setting forth the facts upon which the claim is predicated. Thereupon the clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200. The petitioner shall cause notice of the hearing to be published pursuant to Section 6063 of the Government Code in a newspaper published in the county where the proceedings are pending, or, if there is no such newspaper, to be posted at three of the most public places in the county at least 10 days before the hearing. The petitioner shall cause notice of the hearing and a copy of the petition to be mailed to the executor or administrator (if not the petitioner) and all known heirs, legatees and devisees at their last known addresses, as provided in Section 1200, whether they have requested special notice or given notice of appearance or not. The petitioner shall also cause notice of the hearing and a copy of the petition to be served in accordance with Title 5 (commencing with Section 410.10) of Part 2 of the Code of Civil Procedure on any other person who may have an interest in the property which is the subject of the petition, at least 30 days prior to the date set for hearing. Any interested person may request time for filing a response to the petition, for discovery proceedings, or for other preparation for such hearing and the court shall grant a continuance for a reasonable time for any of such purposes. Notice of pendency of such proceeding may be filed pursuant to Section 409 of the Code of Civil Procedure. Any person having or claiming title to or an interest in the property which is the subject of the petition, at or prior to the hearing, may

object to the hearing of the petition if the petition is filed in a court which is not the proper court under any other provision of law for the trial of a civil action seeking the same relief and, if such objection be established, the court shall not grant the petition. If a civil action is pending in respect to the subject matter of a claim filed pursuant to this section and jurisdiction has been obtained in the court where the civil action is pending the court shall abate the petition until the conclusion of the civil action.

SEC. 2. Section 852 of the Probate Code is amended to read:

852. At the time appointed, the court, upon proof that due notice of the hearing of the petition filed under Section 851 or Section 851.5 has been given, shall proceed to hear the matter; and if the court is satisfied that a conveyance or transfer or other order should be made, it shall make an order authorizing and directing the executor, administrator, or other claimant to execute the same to the party entitled thereto, or granting appropriate relief, except that the court shall not grant a petition under Section 851.5 if it determines that the matter should be determined by civil action. If the transaction relates to real property, a certified copy of the order must be recorded in the office of the county recorder of the county in which the land or any portion thereof lies.

SEC. 3. Section 853 of the Probate Code is amended to read:

853. The order shall be prima facie evidence of the correctness of the proceedings and of the authority of the executor or administrator or other person to make the conveyance or transfer; and after its entry the person entitled thereunder has a right to the possession of the property, and to hold the same according to the terms of the order as if the same had been conveyed or transferred in accordance with the terms of the order. The executor or administrator or other person so ordered also must execute the conveyance or transfer according to the directions of the order, and the court may enforce its execution by process. The conveyance or transfer of the executor or administrator shall pass title to the property as fully as if the decedent had executed it while living.

SEC. 4. Section 1240 of the Probate Code is amended to read:

1240. An appeal may be taken from an order granting or revoking letters testamentary or of administration; removing or refusing to remove a trustee of a testamentary trust; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed two thousand five hundred dollars (\$2,500) in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; adjudicating the merits of any claim under Sections 851.5, 852 or 853; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; instructing or directing an executor or administrator; directing or allowing the payment of a debt, claim, legacy or attorney's fee; fixing, directing

or allowing payment of a trustee's compensation; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; refusing to make any order heretofore mentioned in this section; fixing an inheritance tax or determining that none is due; or authorizing a personal representative to invest or reinvest any surplus moneys pursuant to Section 584.5.

CHAPTER 642

An act to amend Section 5236 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5236 of the Streets and Highways Code is amended to read:

5236. After construction has begun, the legislative body, or the superintendent of streets if authorized by the legislative body, may order changes in the work without the necessity of a hearing. The order shall be in writing, and the amount of any change ordered shall not exceed one thousand dollars (\$1,000) when the total amount of the original contract does not exceed twenty thousand dollars (\$20,000), nor 5 percent of the amount of any original contract which exceeds twenty thousand dollars (\$20,000). No change shall exceed ten thousand dollars (\$10,000). The limitations on the cost of changes permitted by this section shall not apply where (1) the change is requested in writing by the owner of property subject to assessment for the improvement under construction and the nature of the change requested is such that the cost thereof will be assessed exclusively against the property of the person requesting the change, or (2) the change in the work will not adversely affect the benefiting property and any increase in the cost resulting from such changes will be paid by the city and will not be assessed against the property within the assessment district.

CHAPTER 643

An act to add Sections 22508.5 and 22508.6 to the Education Code, relating to public higher education.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 22508.5 is added to the Education Code, to read:

22508.5. Each institution of public higher education shall require that all applications for any type of financial aid for students shall disclose all taxable income and all nontaxable income.

SEC. 2. Section 22508.6 is added to the Education Code, to read:

22508.6. (a) Each state university and college, when determining eligibility for any state university or college educational opportunity program, and each governing board of a school district maintaining a community college, when determining eligibility for any community college educational opportunity program, shall consider nontaxable income.

(b) The Regents of the University of California are requested to provide that nontaxable income be considered in all determinations of eligibility for any educational opportunity programs at the University of California.

CHAPTER 644

An act to amend Sections 17769 and 17775 of, and to add Sections 17769.1, 17769.2, 17775.1, and 17775.2 to, the Business and Professions Code, and to amend Sections 12214, 12215, 12401.1, 17207, 17211, 17212, 17608.1, 22202, 22208, 22615.5, 24202, 24208, and 24609.1 of the Financial Code, relating to persons licensed by the Commissioner of Corporations.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 17769 of the Business and Professions Code is amended to read:

17769. The commissioner may suspend or revoke any license, upon notice and reasonable opportunity to be heard, if he finds any of the following:

(a) That the licensee has failed to maintain in effect the bonds required under this chapter, or to comply with any demand, ruling, or requirement of the commissioner made pursuant to and within

the authority of this chapter.

(b) That the licensee has violated any provision of this chapter or any rule or regulation made by the commissioner under and within the authority of this chapter.

(c) That any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue the license.

SEC. 2. Section 17769.1 is added to the Business and Professions Code, to read:

17769.1. The commissioner may by order summarily suspend or revoke the license of any licensee if he fails to pay the license fee prescribed by Section 17775.1 and 17775.2 within 10 days after notice by the commissioner that such a fee is due and unpaid. If, after such an order is made, a request for a hearing is filed in writing and hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

SEC. 3. Section 17769.2 is added to the Business and Professions Code, to read:

17769.2. Nothing contained in Section 17769 or Section 17769.1 shall prohibit any person who is licensed as a trading stamp company under the provisions of this chapter, but who is ordered by the commissioner to cease the transaction of any new business, from redeeming the trading stamps issued pursuant to such license, unless the commissioner specifically orders that such trading stamps are not to be redeemed.

SEC. 4. Section 17775 of the Business and Professions Code is amended to read:

17775. At the time of filing the application for the license required by this chapter, the applicant shall pay as a license fee to the commissioner a sum equal to 2 percent of the amount of the bond required to be filed by the applicant under the provisions of this chapter, but in no event to exceed three thousand dollars (\$3,000). If the application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee.

SEC. 5. Section 17775.1 is added to the Business and Professions Code, to read:

17775.1. Each licensee shall pay to the commissioner on or before the 20th day of December, of each odd-numbered year the sum equal to 2 percent of the amount of the bond required to be filed by the licensee under the provisions of this chapter, as a license fee for the next two succeeding calendar years but in no event to exceed three thousand dollars (\$3,000), except as provided in Section 17775.2.

SEC. 6. Section 17775.2 is added to the Business and Professions Code, to read:

17775.2. Each licensee shall pay to the commissioner on or before the 30th day of June, 1973, the sum equal to one-half of 1 percent of the amount of the bond required to be filed by the licensee under the provisions of this chapter, but in no event to exceed seven hundred fifty dollars (\$750), as a license fee for the period of July 1, 1973 to December 31, 1973.

SEC. 8. Section 12214 of the Financial Code is amended to read:

12214. An applicant at the time of filing an application for a license under this division shall pay to the commissioner the sum of fifty dollars (\$50) as a fee for investigating the application and the additional sums of two hundred dollars (\$200) as a license fee for its principal office or place of business, forty dollars (\$40) for each branch office or mobile unit, and six dollars (\$6) for each agency. Thereafter, every licensee shall pay to the commissioner on or before the 20th day of December of each odd-numbered year the sum of two hundred dollars (\$200) for its principal office or place of business, forty dollars (\$40) for each branch office or mobile unit, and six dollars (\$6) for each agency as a license fee for the next two succeeding calendar years. A mobile unit may only be operated as a branch office of a licensee and each mobile unit shall constitute a branch office.

SEC. 9. Section 12215 of the Financial Code is amended to read:

12215. If an application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee, all in addition to the fee for investigation.

SEC. 10. Section 12401.1 of the Financial Code is amended to read:

12401.1. The commissioner may by order summarily suspend or revoke the license of a licensee who fails to pay the license fee prescribed by Section 12214 within 10 days after notice by the commissioner that such fee is due and payable. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is rescinded as of its effective date.

SEC. 11. Section 17207 of the Financial Code is amended to read:

17207. The commissioner shall charge and collect the following fees:

(a) For filing an application for an escrow agent's license, four hundred dollars (\$400) for the first office or location and one hundred forty dollars (\$140) for each additional office or location. If an application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee.

(b) For filing an application for a duplicate of an escrow agent's

license lost, stolen, destroyed, or for replacement, upon a satisfactory showing of such loss, theft, destruction, or surrender of certificate for replacement, two dollars (\$2).

(c) For investigation services in connection with each application, one hundred dollars (\$100), and for investigation services in connection with each additional office application, one hundred dollars (\$100).

(d) For holding a hearing in connection with the application, as set forth under Section 17209.2, the actual costs experienced in each particular instance.

SEC. 12. Section 17211 of the Financial Code is amended to read:
17211. Each licensed escrow agent shall pay to the commissioner on or before the 20th day of December of each odd-numbered year the sum of four hundred dollars (\$400) for the first office or location and one hundred forty dollars (\$140) for each additional office or location as a license fee for the next two succeeding calendar years.

SEC. 13. Section 17212 of the Financial Code is amended to read:
17212. An escrow agent's license upon which the license fee has not been paid as provided in Section 17211 may be reinstated by a licensee at any time prior to the revocation thereof pursuant to Section 17608.1 by the same procedure as set forth in Section 17211, plus a payment to the commissioner of a penalty equal to one-fourth of the stated license fee or fees involved.

SEC. 14. Section 17608.1 of the Financial Code is amended to read:

17608.1. The commissioner may by order summarily suspend or revoke the license of a licensee who fails to pay the license fee required by Section 17211 within 10 days after notice by the commissioner that such fee is due and unpaid. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is rescinded as of its effective date.

SEC. 15. Section 22202 of the Financial Code is amended to read:
22202. At the time of filing the application, the applicant shall pay to the commissioner, the sum of one hundred dollars (\$100) as a fee for investigating the application and the additional sum of four hundred dollars (\$400) as a license fee for the next two succeeding calendar years. If the application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee.

SEC. 16. Section 22208 of the Financial Code is amended to read:
22208. Each licensee shall pay to the commissioner on or before the 20th day of December, of each odd-numbered year the sum of four hundred dollars (\$400) as a license fee for the next two succeeding calendar years.

SEC. 17. Section 22615.5 of the Financial Code is amended to read:

22615.5. The commissioner may by order summarily suspend or revoke the license of any licensee if he fails to pay the license fee prescribed by Section 22208 within 10 days after notice by the commissioner that such fee is due and unpaid. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

SEC. 18. Section 24202 of the Financial Code is amended to read:

24202. At the time of filing the application, the applicant shall pay to the commissioner the sum of one hundred dollars (\$100) as a fee for investigating the application and the additional sum of four hundred dollars (\$400) as a license fee for the next two succeeding calendar years. If the application is filed in any even-numbered year after June 30th, the payment shall be three-fourths of the stated license fee; if filed in any odd-numbered year, the payment shall be one-half of the stated license fee, unless it is filed after June 30th of such year in which event the payment shall be one-fourth of the stated license fee.

SEC. 19. Section 24208 of the Financial Code is amended to read:

24208. Each licensee shall pay to the commissioner on or before the 20th day of December, of each odd-numbered year the sum of four hundred dollars (\$400) as a fee for the next two succeeding calendar years.

SEC. 20. Section 24609.1 of the Financial Code is amended to read:

24609.1. The commissioner may by order summarily suspend or revoke the license of any licensee if he fails to pay the license fee prescribed by Section 24208 within 10 days after notice by the commissioner that such fee is due and unpaid. If, after such an order is made, a request for hearing is filed in writing and hearing is not held within 60 days thereafter, the order is deemed rescinded as of its effective date.

SEC. 21. (a) Sections 1 to 5, inclusive, and Sections 8 to 20, inclusive, of this act shall become operative on July 1, 1973, and Section 6 shall become operative on April 1, 1973.

(b) Sections 1 to 6, inclusive, of this act shall become operative only if Senate Bill No. 1154 of the 1972 Regular Session is chaptered, and in that event Sections 1 to 6, inclusive, of this act shall become operative on the dates specified in subdivision (a).

CHAPTER 645

An act to add Article 9 (commencing with Section 1820) to Chapter 4 of Division 2 of the Business and Professions Code, relating to dentistry, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972 Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 1820) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 9. Dental Auxiliaries

1820. The Legislature hereby finds and declares that the improved utilization of dental auxiliaries will help in making high-quality dental services more readily available to the people of this state.

The Legislature further finds and declares that career opportunities for dental auxiliaries are unduly limited. The educational backgrounds of persons in some categories of dental auxiliaries is in many cases not fully recognized by the tasks and functions they are allowed to perform. Furthermore, the vertical and lateral career mobility among categories of dental auxiliaries is limited because of the absence of a "career ladder."

The Legislature further finds and declares that adequate legal standards should exist to protect the public from dental auxiliaries not fully competent to perform assigned tasks and functions. A variety of training programs with different lengths, in different settings, and teaching different subjects for preparing the same categories of dental auxiliaries currently exist, and some types of dental auxiliaries are not legally regulated by licensure or certification.

It is the intent of the Legislature that an advisory committee be created to report to the Board of Dental Examiners and to the Legislature recommendations for training, utilizing, and regulating dental auxiliaries to provide optimum high-quality dental services to the citizens of California.

1821. There is hereby established an Advisory Committee on the Utilization and Education of Dental Auxiliaries which shall be advisory to the board in matters concerning the development, utilization, and education of dental auxiliaries.

1822. The committee shall consist of the following members who shall be appointed by the Governor and shall serve at his pleasure:

- (a) A member of the Board of Dental Examiners.
- (b) Two dentists licensed in California.

- (c) Two dental hygienists licensed in California.
- (d) One dental assistant.
- (e) One dental laboratory technician.
- (f) Two deans of dental schools in California.

The committee shall elect a chairman from among its members.

The Governor shall appoint the members of the committee no later than 30 days after the effective date of this article.

1823. The board may employ necessary staff to carry out the provisions of this article. The committee shall appoint three persons who are students in the dental health sciences to advise and assist the committee in its duties and functions under this article. Such student advisers shall not be members of the committee.

1824. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

1825. The committee shall report to the board and to the Legislature on or before January 30, 1973, on all of the following:

(a) The current practice of dental auxiliaries, their numbers, the nature of the education they receive prior to their utilization, and the existing legal framework governing their activities.

(b) The recommended arrangement of categories of dental auxiliaries to provide maximum utilization of the skills of dentists and maximum availability of high-quality dental services to the people of California.

The committee shall recommend each proposed category of auxiliary dental health manpower in terms of the tasks, functions, and decisions to be performed, the level of knowledge and skill necessary to perform capably, the settings in which such categories of manpower may be utilized as well as the amount of supervision necessary, and the qualifications of the supervisor.

The committee shall also recommend a "career ladder" which will permit maximum vertical and horizontal career mobility for persons working in the proposed auxiliary dental health occupations. In defining a "career ladder," the committee shall recommend the amount of additional training necessary for advancing from one category to another.

(c) Any other recommendation the committee feels appropriate for utilizing dental auxiliaries to improve the quality and availability of dental service in California.

SEC. 2. There is hereby appropriated from the State Dentistry Fund the sum of twenty-eight thousand dollars (\$28,000) without regard to fiscal years for the support of the activities of the Advisory Committee on the Utilization and Education of Dental Auxiliaries.

SEC. 3. This act shall be effective until January 1, 1974, and after that date shall be of no force or effect.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the Advisory Committee on the Utilization and

Education of Dental Auxiliaries to begin its work as soon as possible, it is necessary that this act be effective immediately.

CHAPTER 646

An act to amend Sections 6759, 6762, 6763, and 6799 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 6759 of the Business and Professions Code is amended to read:

6759. The board, upon application therefor, on its prescribed form, and the payment of the application fee fixed by this chapter, which fee shall be retained for the board, may issue a certificate of registration as a professional engineer, without written examination, to any person holding a certificate of registration issued to him by any state or country when the applicant's qualifications meet the requirements of this chapter, and rules established by the board.

SEC. 2. Section 6762 of the Business and Professions Code is amended to read:

6762. Any applicant who has passed the examination and has otherwise qualified hereunder as a professional engineer, shall have a certificate of registration issued to him as a professional engineer in the particular branch for which he is found qualified.

SEC. 3. Section 6763 of the Business and Professions Code is amended to read:

6763. Application for authority to use the title, "structural engineer," shall be made to the board on forms prescribed by it and shall be accompanied by the application fee fixed by this chapter.

An applicant for authority to use the title "structural engineer" who has passed the examination prescribed by the board, shall have a certificate of authority issued to him.

SEC. 4. Section 6799 of the Business and Professions Code is amended to read:

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer at not more than sixty dollars (\$60), for authority to use the title "structural engineer" at not more than seventy-five dollars (\$75), and for each application for certification as engineer in training at not more than forty dollars (\$40).

(b) The duplicate certificate fee at not more than six dollars (\$6).

(c) The temporary registration fee for professional engineer at not more than twenty dollars (\$20).

(d) The renewal fee for professional engineer shall be fixed by the board at not more than twenty dollars (\$20) for each branch of professional engineering in which registration is held; and the renewal fee for authority to use the title "structural engineer" at not more than twenty dollars (\$20).

(e) The delinquency fee for a certificate which expires after June 30, 1961, is an amount equal to fifty percent (50%) of the renewal fee in effect on the date of its reinstatement.

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

CHAPTER 647

An act to add Section 14670.2 to the Government Code, relating to the letting of state property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14670.2 is added to the Government Code, to read:

14670.2. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene, may, in the best interests of the state, let to a public governmental agency, for the purpose of locating and conducting its trainable mentally retarded program, and for a period not to exceed 50 years, real property not exceeding 10 acres located within the grounds of the Napa State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for the establishment of a school building facility by the lessee prior to July 1, 1977. Such facility shall not be established until after the effective date of the act amending this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Napa Unified School District has planned to commence a

program for the trainable mentally retarded by September of 1972 in facilities to be established on real property which is proposed to be leased from the state and which is located within the grounds of the Napa State Hospital. In order that such program may be implemented in September of 1972, it is necessary that this act, which authorizes such a lease, go into immediate effect.

CHAPTER 648

An act to amend Section 14005.6 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14005.6 of the Welfare and Institutions Code as amended by Chapter 1685 of the Statutes of 1971 is amended to read:

14005.6. (a) When a person is not eligible for aid under any of the chapters set forth in Section 14005.1 or has an application pending for aid under any of said chapters, and meets all of the following conditions, he is eligible for health care benefits or services under Section 14005:

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, except that the minimum basic standard of adequate care for a single person living alone shall be 75 percent of the standard for a two-person family under Section 11452;

(2) He resides within the state;

(3) He is a citizen of the United States, or has been legally present in the United States for a period of five years immediately preceding the date of application for Medi-Cal coverage, or who has applied for citizenship;

(4) He is 21 years of age or older, or has entered into a ceremonial marriage; and

(5) He is not receiving adequate financial contributions toward his support and cost of health care from a husband or wife or parent or adult child able to and responsible for support under the laws of this state.

(b) Any person who has a legal obligation under pertinent sections of the Civil Code to support a person who is eligible under this section to receive health care services, shall complete a statement containing such financial information as may be deemed reasonably necessary by the department for the county to determine his ability to support the applicant. Any such person who fails or

refuses to complete such statement, or who furnishes or reports false or misleading financial information, is guilty of a misdemeanor.

A responsible relative shall be required to pay towards the cost of health care services of a beneficiary under this chapter, the amount for which he would be liable under pertinent sections of the Civil Code.

The duty to support under this section shall be enforced by the county which determined the eligibility of the person to whom support is owed.

The failure of a responsible relative to comply with this section shall in no way affect the eligibility for health care services of the person for whom he is responsible.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to uncertainty in construing Welfare and Institutions Code Section 14005.6, many eligible persons have been denied benefits under the Medi-Cal program. To clarify the law in this regard, it is necessary that this act go into immediate effect.

CHAPTER 649

An act to amend Sections 682.3 and 690.50 of the Code of Civil Procedure, relating to judgment debtors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 682.3 of the Code of Civil Procedure is amended to read:

682.3. (a) Whenever the levy of execution is against the earnings of a judgment debtor, the employer served with the writ of execution shall withhold the amount specified in the writ from earnings then or thereafter due to the judgment debtor and not exempt under Section 690.6, and shall pay such amount, each time it is withheld, to the sheriff, constable or marshal who served the writ. If such person shall fail to pay each amount to the sheriff, constable or marshal, the judgment creditor may commence a proceeding against him for the amounts not paid. The execution shall terminate and the person served with the writ shall cease withholding sums thereunder when any one of the following events takes place:

(1) Such person receives a direction to release from the levying officer. Such release shall be issued by the levying officer in any of the following cases:

(a) Upon receipt of a written direction from the judgment creditor.

(b) Upon receipt of an order of the court in which the action is pending, or a certified copy of such order, discharging or recalling the execution or releasing the property. This subdivision shall apply only if no appeal is perfected and undertaking executed and filed as provided in Section 917.2 or a certificate to that effect has been issued by the clerk of the court.

(c) In all other cases provided by law.

(2) Such person has withheld the full amount specified in the writ of execution from the judgment debtor's earnings.

(3) The judgment debtor's employment is terminated by a resignation or dismissal at any time after service of the execution and he is not reinstated or reemployed within 90 days after such termination.

(4) A period of 90 days has passed since the time such person was served with the writ of execution.

(b) At any time after a levy on his earnings the judgment debtor may proceed to claim a full exemption of his earnings in accordance with the provisions of Sections 690.6 and 690.50. The exemption so claimed shall extend to any wages withheld pursuant to the levy of execution whether or not withheld after the claim of exemption is filed.

(c) Subject to the provisions of Section 690.50, the sheriff, constable or marshal who serves the writ of execution and receives the amounts withheld from the judgment debtor's earnings, shall account for and pay to the person entitled thereto, all sums collected under the writ, less his lawful fees and expenses at least once every 30 days, and make return on collection thereof to the court.

SEC. 2. Section 690.50 of the Code of Civil Procedure is amended to read:

690.50. (a) If the property mentioned in Sections 690.1 to 690.29, inclusive, shall be levied upon under writ of attachment or execution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall within 10 days from the date such property was levied upon deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this state for the purpose of permitting service by mail upon him of the counteraffidavit and any notice of the motion herein provided. For purposes of this section, if the property levied upon consists of the earnings of a judgment debtor, each date that earnings are withheld from the judgment debtor shall be deemed to be the date such earnings were levied upon. A judgment debtor shall have the right to file a separate claim of exemption each time that a withholding of earnings occurs, provided, that if a prior claim of

exemption has been adjudicated under the same levy, that each separate claim of exemption thereafter be supported by a statement under oath alleging the changed circumstances which support the new claim of exemption. If a claim of exemption be allowed, the judgment creditor shall have the right, at any time during the effective period of the claim of exemption, to move the court for consideration of the claim previously granted on the grounds of a material change of circumstances affecting the debtor's exemption rights. If the judgment creditor does make such a motion, he must support his motion by a statement under oath alleging the changed circumstances which support his motion for consideration.

(b) Forthwith upon receiving the affidavit of exemption, the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counteraffidavit within five days after service of such writing.

(c) If the creditor desires to contest the claim to exemption, he shall, within such period of five days, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections of this code relied upon, or if the claim to exemption be based on Sections 690.2, 690.3, 690.4, 690.6, alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such counteraffidavit upon the debtor.

(d) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(e) If such counteraffidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption, the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.6 or the value of the property claimed to be exempt. Such hearing shall be granted by the court upon motion of either party made within five days after the counteraffidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing shall give not less than five days' notice in writing of such hearing to the levying officer and to the other party, and specify therein that the hearing is for the purpose of determining the claim to exemption. The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

(f) If neither party makes such motion within the time allowed,

or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit, the levying officer shall forthwith release the property to the debtor.

(g) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (1) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale, and (2) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending, at any time during the pendency of the proceedings, upon such terms as may be just.

(h) The levying officer in all cases shall retain physical possession of the property levied upon if it is capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption. However, no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

(i) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counteraffidavit and both shall be received in evidence. Nothing herein shall be construed to deprive anyone of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counteraffidavit is offered, the court, if satisfied that sufficient facts are shown thereby, may make its determination thereon. Otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, and may give judgment determining the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.6, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment. In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

(j) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to

continue to hold it to sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment is waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final. However, if a claim to exemption under Section 690.6 is allowed by such judgment, the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court, or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(k) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(l) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

(m) An appeal lies from any judgment under this section. Such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid uncertainty in the meaning of the law relating to the filing of claims for exemption of earnings of persons that are attached or levied upon, and possible lengthy litigation of the matter, it is necessary that this act become law at the earliest possible opportunity.

CHAPTER 650

An act to repeal Chapter 354, Statutes of 1869–70, relating to the Town of Hornitos.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 354, Statutes of 1869–70 is repealed.

SEC. 2. The Town of Hornitos is hereby disincorporated.

SEC. 3. Any interest in any real or personal property vested in the Town of Hornitos shall become the property of the County of Mariposa.

SEC. 4. The Board of Supervisors of the County of Mariposa may, at its discretion, give preference to any person or persons who, on

April 15, 1972, resided on property owned by the Town of Hornitos, or made improvements on such property, should the board of supervisors elect to either sell or lease the property now owned by the Town of Hornitos. The board shall not dispose of the property or any portion thereof without first holding a public hearing on the matter.

CHAPTER 651

An act to amend Section 66622 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

[Approved by Governor August 9, 1972. Filed with
Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 66622 of the Government Code is amended to read:

66622. The members of the commission shall serve at the pleasure of their respective appointing powers. The members shall serve without compensation, but each of the members shall be reimbursed for his necessary expenses incurred in the performance of his duties.

A member, subject to confirmation by his appointing power, may authorize an alternate for attendance at meetings and voting in his absence. Each alternate shall be designated in a written instrument which shall include evidence of the confirmation by the appointing power and his name shall be kept on file with the commission. Each member may change his alternate from time to time, with the confirmation of his appointing power, but shall have only one alternate at a time. Each alternate shall have the same qualifications as are required for the member who appointed him, except that each county representative may designate as his alternate a public official whom his appointing power deems qualified to represent the county.

CHAPTER 652

An act to amend Sections 23625 and 23627 of the Elections Code, relating to district elections.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23625 of the Elections Code is amended to read:

23625. Upon receiving a recall petition certified as sufficient, the governing body shall forthwith issue an order stating that an election shall be held pursuant to this article to determine whether or not the voters will recall the officer named in the petition unless a petition opposing the recall of the officer, certified as sufficient pursuant to Article 1 (commencing with Section 23600) of this chapter and signed by a majority of the qualified voters of the district, is submitted to the governing board within 50 days of such order. In the event such a petition is timely filed, the recall election of such officer is canceled.

SEC. 2. Section 23627 of the Elections Code is amended to read:

23627. The election shall be held not less than 80 nor more than 125 days after the making of the order unless within five days of the order, a notice of intention to circulate a petition to cancel the recall election as provided in Section 23625 is filed with the governing body ordering the election. In that case, the order shall be revised to provide that the election shall be held in not less than 100 days nor more than 125 days after the making of the order.

CHAPTER 653

An act to amend Section 1029.6 of the Code of Civil Procedure, relating to medical malpractice actions.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1029.6 of the Code of Civil Procedure is amended to read:

1029.6. (a) Whenever a complaint for damages for personal injuries is filed against a physician and surgeon, dentist, registered nurse, dispensing optician, optometrist, pharmacist, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, or veterinarian, duly licensed as such under the laws of

this state, or a licensed hospital as the employer of any such person, in an action for error, omission, or negligence in the performance of professional services, or performance of professional services without consent, any such defendant may, within six months after service of summons, move the court for an order, upon notice to plaintiff and all defendants having appeared in the action, and hearing, requiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in a sum not to exceed five hundred dollars (\$500), or to deposit such sum or equivalent security approved by the court with the clerk of the court, as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous. Any defendant having appeared in the action and within 30 days after receipt of notice may join with the moving party requesting an order under this section as to such additional defendant. The failure of any defendant to join with the moving party shall preclude each such defendant from subsequently requesting an order under this section.

At the hearing upon such motion, the court shall order the plaintiff to furnish such security if the defendant shows to the satisfaction of the court that: (i) the plaintiff would not suffer undue economic hardship in filing such written undertaking or making such deposit and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking or make such deposit.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a written undertaking or deposit be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

(b) This section does not apply to a complaint in an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking or deposit shall be increased to the extent of not to exceed five hundred dollars (\$500) for each additional defendant in whose favor such undertaking or deposit is ordered, not to exceed the total of one thousand dollars (\$1,000).

(d) In any action requiring a written undertaking or deposit as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's court costs. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars (\$500) or the amount of the undertaking, whichever is lesser, for each defendant with respect to whom such sureties have executed

a written undertaking or the plaintiff has made a deposit. If the plaintiff prevails in the action against any defendant with respect to whom such security has been filed, such defendant shall pay the costs to plaintiff incurred in obtaining such written undertaking or deposit and defending the motion for dismissal authorized by this section.

(e) Whenever a complaint described in subdivision (a) requests an award of exemplary damages, any defendant against whom the damages are sought may move the court for an ex parte order requiring the plaintiff to file a corporate surety bond, approved by the court, or make a cash deposit in an amount fixed by the court. Upon the filing of the motion, the court shall require the plaintiff to file the bond or make the cash deposit. In no event shall the bond or cash deposit be less than two thousand five hundred dollars (\$2,500). The bond or cash deposit shall be conditioned upon payment by the plaintiff of all costs and reasonable attorney's fees incurred by the defendant in defending against the request for the award of exemplary damages, as determined by the court, if the plaintiff fails to recover any exemplary damages. The order requiring the bond or cash deposit shall require the bond to be filed or cash deposit to be made with the clerk of the court not later than 30 days after the order is served. If the bond is not filed or the cash deposit is not made within such period, upon the motion of the defendant, the court shall strike the portion of the complaint which requests the award of exemplary damages.

(f) Any defendant filing a motion under this section or joining with a moving party under this section is precluded from subsequently filing a motion for summary judgment.

(g) Any defendant filing a motion for summary judgment is precluded from subsequently filing a motion, or joining with a moving party, under this section.

CHAPTER 654

An act to add Section 823 to the Education Code, relating to certificated personnel.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 823 is added to the Education Code, to read: 823. It is the intent of the Legislature that certificated personnel serving in the public schools have a responsible understanding of the nature and range of physical, mental, and emotional disabilities of children and youth and of the major implications of such disabilities. In furtherance of this intent, county superintendents of schools are encouraged, in cooperation with school districts and colleges and

universities, to sponsor workshops or similar activities for certificated personnel to provide opportunities to gain or increase these understandings.

It is not the intent of the Legislature that this section be interpreted as a requirement for the issuance or the renewal of any credential.

CHAPTER 655

An act to add Article 6 (commencing with Section 73520) to Chapter 10 of Title 8 of, and to repeal Article 6 (commencing with Section 73520), Article 8 (commencing with Section 73600), and Article 24 (commencing with Section 74300), of Chapter 10 of Title 8 of, the Government Code, relating to municipal courts.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 73520) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 6 (commencing with Section 73520) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 6. Municipal Court in San Mateo County

73520. This article applies only to municipal courts established in judicial districts in San Mateo County.

73521. Each municipal court district established in San Mateo County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

Northern Judicial District	3
Central Judicial District.....	3
Southern Judicial District	3

73522. There shall be one clerk of each municipal court district who shall receive a monthly salary at the rate specified in salary range number 1426 of the salary schedule.

73523. The number and compensation of deputies which may be appointed in the various judicial districts are as follows:

(a) Each clerk may appoint one chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 1079 of the salary schedule.

(b) The clerk of the Northern Judicial District may appoint five deputy clerks, grade III; the clerk of the Central Judicial District may appoint four deputy clerks, grade III; the clerk of the Southern

Judicial District may appoint six deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 913 of the salary schedule.

(c) The clerk of the Northern Judicial District may appoint five deputy clerks, grade II; the clerk of the Central Judicial District may appoint six deputy clerks, grade II; the clerk of the Southern Judicial District may appoint eight deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 731 of the salary schedule.

(d) The clerk of the Northern Judicial District may appoint 15 deputy clerks, grade I; the clerk of the Central Judicial District may appoint 13 deputy clerks, grade I; the clerk of the Southern Judicial District may appoint 11 deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 654 of the salary schedule.

(e) The clerk of the Northern Judicial District may appoint two part-time deputy clerks, grade I, each of whom shall receive a monthly salary at an amount not to exceed one-half of the rates specified in salary range number 654 of the salary schedule.

73523.1. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary range number	Steps				
	A	B	C	D	E
654.....	523	553	585	619	654
731.....	585	618	654	692	731
913.....	731	772	816	864	913
1079.....	863	913	965	1,021	1,079
1426.....	1,141	1,206	1,275	1,349	1,426

73523.2. Notwithstanding any other provision of this article, until the 61st day after the final adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for in positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive proportionately higher compensation on the salary schedule provided for in Section 73523.1, payable at the same time as that higher compensation provided in the salary ordinance of that county.

73524. The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the courts.

73525. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of San

Mateo, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation, which is within the ranges and increments set forth in this article in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than 90 days after the adjournment of the next general session of the Legislature.

73526. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be as follows:

For each such regular official reporter employed by the county and who performs the duties required of him by law the sum of thirteen thousand five hundred dollars (\$13,500) per annum for the first year of such service, the sum of fourteen thousand dollars (\$14,000) per annum for the second year of such service, the sum of fourteen thousand five hundred dollars (\$14,500) per annum for the third year of such service, the sum of fifteen thousand dollars (\$15,000) per annum for the fourth year of such service, and the sum of fifteen thousand five hundred dollars (\$15,500) per annum for the fifth year of such service and for each year of such service thereafter.

In addition to new employees, the salaries herein provided for shall be applicable to regular official reporters employed by the county on the effective date of this section and for the purpose of determining the salaries to be paid after this section becomes effective, all years of service rendered by such reporters to the county prior to the effective date of this section shall be counted in determining the salary to which they are entitled under the salary schedule above mentioned.

The compensation of official reporters pro tempore in the county shall be at the rate of fifty dollars (\$50) a day or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. In addition, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct.

SEC. 3. Article 8 (commencing with Section 73600) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 4. Article 24 (commencing with Section 74300) of Chapter 10 of Title 8 of the Government Code is repealed.

CHAPTER 656

An act to amend Section 92.6 of the Streets and Highways Code, relating to state freeways.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 92.6 of the Streets and Highways Code is amended to read:

92.6. At such locations as shall be determined by the department to be appropriate, screening shall be installed and maintained on state freeway overpasses on which pedestrians are allowed, in order to prevent objects from being dropped or thrown upon vehicles passing underneath. First consideration shall be given to freeway overpasses in urban areas.

The department shall submit to the Legislature, on or before the fifth calendar day of each general session, an annual report on its program for the implementation of this section.

CHAPTER 657

An act relating to the Budget Act of 1972, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1972. Filed with Secretary of State August 9, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law to the contrary, funds included in Item 80 of the Budget Act of 1972 for salary increases may be expended to pay increases established pursuant to the Military and Veterans Code for members of the Military Department, on or after January 1, 1971. Such funds include money for catch-up in salaries as defined in the President's Phase II economic guidelines pertaining to pay increases and may be expended therefor.

SEC. 1.6. Notwithstanding any other provision of law, the funds appropriated by Item 253 of the Budget Act of 1972 may be used to plan and provide for the orderly assumption of the functions

transferred to the Department of Health in accordance with the Governor's Reorganization Plan No. 1 of 1970, dated February 26, 1970, together with such additional changes as were effected by the Legislature at its 1970 and subsequent sessions, including the exercise of such functions and powers and making such appointments as are set forth in the general provisions of such Plan No. 1, and to pay the salary of the director appointed pursuant to such general provisions in an amount not to exceed that specified in Section 11550.5 of the Government Code and the salaries of such assistants as are appointed pursuant to such general provisions.

The Director of the Department of Health appointed prior to the operative date of such Plan No. 1 shall make periodic reports to the Chairman of the Joint Legislative Budget Committee, and the chairman of the committee in each house which considers appropriations setting forth his decisions concerning the organization of such Department of Health and transfer of functions to such department and shall give notification in writing thereof to such committee at least 30 days prior to implementing such organization or transfers.

Notwithstanding the foregoing provisions of this section, no portion of the funds appropriated in Item 253 shall be used in planning or implementing the transfer of the healing arts boards to the Department of Health.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act make technical changes necessary to effectuate the purpose of the Budget Act of 1972. In order for this act to take effect at the same time as the Budget Act of 1972 it is necessary for this act to take effect immediately.

CHAPTER 658

An act to amend Section 216 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 216 of the Streets and Highways Code is amended to read:

216. The noise level produced by the traffic on a state freeway shall be measured in the classrooms, libraries, and multipurpose rooms of a public or private elementary or secondary school if the

classrooms, libraries, or multipurpose rooms were constructed prior to the adoption of the freeway route and are being used for the purpose for which they were constructed.

Such measurements shall be made at appropriate times during regular school hours and shall not include noise from sources that exceed the maximum permitted by law.

If the noise level produced from the freeway traffic exceeds 50 decibels on the "A" scale, the department may undertake a noise abatement program in any such classroom, library, or multipurpose room to reduce the freeway traffic noise level therein to 50 or fewer decibels on the "A" scale by, but not limited to, installing acoustical materials, eliminating windows, installing air conditioning, or constructing sound baffle structures.

If it becomes necessary to convert such classrooms, libraries, or multipurpose rooms to other school-related purposes because the freeway traffic noise level therein exceeds 50 decibels on the "A" scale, the department shall pay the cost of such conversions.

If the noise level generated from sources within and without the classrooms, libraries, or multipurpose rooms exceeds 50 decibels on the "A" scale prior to construction of the freeway and the noise from the freeway also exceeds 50 decibels on the "A" scale, the department shall be required to undertake such a noise abatement program that will reduce the noise to its preconstruction level.

Priority for noise abatement programs shall be given to those public and private elementary and secondary classrooms, libraries, and multipurpose rooms constructed in conformance with Article 4 (commencing with Section 15451), Chapter 2, Division 11 of the Education Code.

As used in this section, the "A" scale means the network labeled "A," as described in Section 3.3 of the American Standard Specifications for General-Purpose Sound Level Meters, approved January 9, 1961, and published by the United States of America Standards Institute.

The department shall submit to the Legislature, on or before February 1 of each year, an annual report on its program for the implementation of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to enable the Department of Public Works to undertake a noise abatement program at the earliest possible time in any elementary or secondary classroom, library, or multipurpose room so as to reduce any state freeway traffic noise level therein to 50 decibels or less on the "A" scale, if the classroom, library, or multipurpose room, as the case may be, were constructed prior to the adoption of the freeway route, it is necessary that this act take effect immediately.

CHAPTER 659

An act to add Section 513 to the Public Resources Code, relating to the state park system.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 513 is added to the Public Resources Code, to read:

513. The department, as a means of furthering the interpretive and educational functions of the state park system, may enter into agreements to act cooperatively with such private nonprofit scientific or historical associations engaged in educational or interpretive work in state park system units as the director may designate whereby the association would furnish educational or interpretive materials for sale and the department would provide the services of department personnel and space for the materials at state park system unit visitor information facilities. Subject to such rules and regulations as the director shall promulgate, all moneys received from the sale of publications or other materials provided by an association shall be returned to the association for use in the interpretive or educational programs of the state park system unit or units which the association has been designated to serve.

CHAPTER 660

An act to amend Sections 2923, 2924, 2925, and 2926 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2923 of the Revenue and Taxation Code is amended to read:

2923. Any tax collector or assessor charged by law with the collection of any delinquent taxes on unsecured property may file a verified application with the board of supervisors for a discharge from accountability for the collection of the taxes, penalty and interest, and any other charge pertaining thereto, if the amount is such as not to justify the cost of collection or collection enforcement is impracticable.

SEC. 2. Section 2924 of the Revenue and Taxation Code is amended to read:

2924. The application for a discharge shall include:

(a) A statement of the nature and amount of the sum to be discharged.

(b) The names of the persons liable.

(c) The estimated cost of collection.

(d) Any other fact warranting the discharge, except where the board of supervisors determines that the circumstances do not warrant the furnishing of detailed information.

SEC. 3. Section 2925 of the Revenue and Taxation Code is amended to read:

2925. The board of supervisors shall make an order discharging the applicant from further accountability for the collection of the amounts specified in the application, and authorizing the applicant to close his books in regard to such items, if it is satisfied that:

(a) The matters contained in the application are true.

(b) The amounts are such as not to justify the cost of collection or collection enforcement is impracticable.

SEC. 4. Section 2926 of the Revenue and Taxation Code is amended to read:

2926. Such a discharge of a tax collector or assessor does not release any person from the payment of any amounts which are due and owing.

If at any future time the aggregate amount of any taxes penalties, interest, and any other charges pertaining thereto due and owing by any taxpayer, including the amount involved in such a discharge, exceeds the cost of collection, the tax collector or assessor shall collect the amount due and owing, including the amount involved in such discharge.

CHAPTER 661

An act to amend Section 27706 of, and to add Section 27712 to, the Government Code, relating to public defender.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 27706 of the Government Code is amended to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, except as provided by Section 987.8 of the Penal Code, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel

and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon request, or upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

(f) Upon order of the court he shall represent any person who is required to have counsel pursuant to Section 686.1 of the Penal Code.

SEC. 2. Section 27712 is added to the Government Code, to read:

27712. In any case in which a party is furnished counsel, either through the public defender or private counsel appointed by the court, upon conclusion of the proceedings in the trial court, the court shall make a determination of the present ability of the party to pay all or a portion of the cost of counsel. If the court determines that the party has the present ability to pay all or part of the cost, it shall order him to pay the sum to the county in any installments and manner which it believes reasonable and compatible with his financial ability. Execution may be issued on the order in the same manner as on a judgment in a civil action. The order shall not be enforced by contempt.

The court shall adjudge a standard by which to measure the cost of counsel, which standard shall reflect the cost of services of counsel. Appointed counsel shall provide evidence of the services performed pursuant to such standard.

CHAPTER 662

An act to amend Section 1526 of the Penal Code, relating to criminal procedure.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1526 of the Penal Code is amended to read:
1526. (a) The magistrate may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses he may produce, and must take his affidavit or their affidavits in writing, and cause same to be subscribed by the party or parties making same.

(b) In lieu of the written affidavit required in subdivision (a), the magistrate may take an oral statement under oath which shall be recorded and transcribed. The transcribed statement shall be deemed to be an affidavit for the purposes of this chapter. In such cases, the recording of the sworn oral statement and the transcribed statement shall be certified by the magistrate receiving it and shall be filed with the clerk of the court. In the alternative in such cases, the sworn oral statement shall be recorded by a certified court reporter and the transcript of the statement shall be certified by the reporter, after which the magistrate receiving it shall certify the transcript which shall be filed with the clerk of the court.

CHAPTER 663*An act to add Section 774 to the Public Utilities Code, relating to public utilities.*

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 774 is added to the Public Utilities Code, to read:

774. No water corporation which has undertaken to provide fire protection service, nor any employee of such corporation acting in the course and scope of his employment, shall be liable for any death or injury to a person or damage to or loss of property resulting from a failure to provide or maintain an adequate water supply or pressure, or any equipment or other fire protection facility or service; provided, that such immunity from liability shall not exceed that of a public agency or any of its employees, as the case may be, under similar circumstances. Nothing in this section shall preclude the enforcement of any rule, regulation, or order of the commission.

CHAPTER 664

An act to amend Section 2705 of the Public Resources Code, relating to earthquake safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2705 of the Public Resources Code is amended to read:

2705. (a) All counties and cities shall collect a fee from each applicant for a building permit. Each such fee shall be equal to 0.007 percent of the total valuation of the proposed building construction for which the building permit is issued as determined by the local building official or fifty cents (\$0.50), whichever amount is the higher.

(b) In lieu of the requirements of subdivision (a), a county or city may elect to include an 0.007-percent rate in its basic building permit fee. If collection of the fee is made pursuant to this subdivision, the amount of the fees required to be deposited in the Strong-Motion Instrumentation Special Fund pursuant to Section 2706 shall be equal to 0.007 percent of the total valuation of the proposed building construction for which all building permits were issued during the accounting period. A county or city electing to collect the fee pursuant to this subdivision need not segregate such fees in a fund separate from any fund into which basic building permit fees are deposited.

“Building,” for the purpose of this chapter, is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act is urgently needed for the protection of persons and property from earthquakes in that it effects changes in the funding of the Strong-Motion Instrumentation Program which is essential to the implementation of that program.

CHAPTER 665

An act to amend Sections 5523, 5563, 5564, 5566, 5567, 5568, 5762, 5763, 5703, 5705, 5710, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5720.5, 5721, 5722, 5741, 5761, 5764, 5765, 5766, 5767, 5768, 5782, and 5801 of, to add Sections 5706, 5707, 5716.5, and 5720.6 to, and to repeal Sections 5570, 5706, 5707, 5708, 5709, 5723, 5742, and 5743 of, the Revenue and Taxation Code, relating to in-lieu taxes on domestic animals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 5523 of the Revenue and Taxation Code is amended to read:

5523. The tax computed in accordance with Section 5522 shall be reduced by the same percentage as is exempted with respect to the assessed values of business inventories pursuant to Section 219 of this code; except, that no such reduction shall be made on any tax after 5 p.m. on the day such tax becomes delinquent.

SEC. 2. Section 5563 of the Revenue and Taxation Code is amended to read:

5563. (a) If the tax imposed by this part becomes due at any time on and after the second day of July and before the second day of January of any tax year, the tax shall become delinquent at 5 p.m. on the 15th day of February of such tax year.

(b) If the tax imposed by this part becomes due at any time on and after the second day of January of any tax year and before the second day of July of the tax year next following, the tax shall become delinquent at 5 p.m. on the 15th day of August next following.

SEC. 3. Section 5564 of the Revenue and Taxation Code is amended to read:

5564. A delinquent penalty of 6 percent shall attach at 5 p.m. on the day any tax imposed by this part becomes delinquent. An additional penalty of 1 percent shall attach to the tax on the first day of the first calendar month commencing after the tax becomes delinquent and on the first day of each calendar month thereafter, until the delinquent tax and penalties have been paid in full.

SEC. 4. Section 5566 of the Revenue and Taxation Code is amended to read:

5566. (a) The assessor may perform audits of the books and records of any owner of livestock subject to the tax imposed by this part to determine if the correct information has been reported and the proper amount of tax has been paid.

(b) In those cases wherein the board determines that an audit would have been required under Section 469 if the livestock were subject to property taxation, rather than to the provisions of this part,

the assessor shall perform such audits of the books and records of the owners of livestock subject to the provisions of this part as the board by rules and regulations may prescribe.

SEC. 5. Section 5567 of the Revenue and Taxation Code is amended to read:

5567. The tax described in this part may be imposed at any time within five years after the tax would have otherwise become due and the penalties shall date from the time described in Section 5563.

SEC. 6. Section 5568 of the Revenue and Taxation Code, as amended by Chapter 88 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

5568. If any person required by Section 5582 to file a report fails to file it by the time specified, the tax collector shall impose on the lawful amount of tax due under this part, a penalty equal to 10 percent of the tax, and the penalties provided by Section 5564.

If any person required to file the report required by Section 5582 files any false or fraudulent report with intent to defeat or evade any tax due under this part, the tax collector shall impose on the lawful amount of tax due under this part, a penalty equal to 25 percent of the tax, and the penalties provided by Section 5564.

SEC. 7. Section 5570 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 5703 of the Revenue and Taxation Code is amended to read:

5703. "Racehorse" means each live horse, including a stallion, mare, gelding, ridgeling, colt, filly, or foal, that is or will be eligible to participate in or produce foals which will be eligible to participate in a horseracing contest in California wherein parimutuel racing is permitted under rules and regulations prescribed by the California Horse Racing Board. "Racehorse" does not mean or include any horse over three years old that has not participated in a horserace contest on which parimutuel wagering is permitted or has not been used for breeding purposes in order to produce racehorses during the two previous calendar years.

SEC. 9. Section 5705 of the Revenue and Taxation Code is amended to read:

5705. "Annual tax" means a tax that is imposed on the owner for any racehorse domiciled in the State of California.

SEC. 10. Section 5706 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 5706 is added to the Revenue and Taxation Code, to read:

5706. "Current calendar year" means the yearly period from the first day of January to the last day of December, inclusive for which the tax is imposed.

SEC. 12. Section 5707 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 5707 is added to the Revenue and Taxation Code, to read:

5707. "Previous calendar year" means the calendar year immediately preceding the calendar year for which the annual tax is imposed.

SEC. 14. Section 5708 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 5709 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 5710 of the Revenue and Taxation Code is amended to read:

5710. "Stallion" means any racehorse which, during the two previous calendar years, has serviced three or more different broodmares for the purpose of producing a racehorse.

SEC. 17. Section 5711 of the Revenue and Taxation Code is amended to read:

5711. "Producing broodmare" means a racehorse mare which, during the previous calendar year, has produced a live foal.

SEC. 18. Section 5712 of the Revenue and Taxation Code is amended to read:

5712. "Nonproducing broodmare" means a racehorse mare which has not produced a live foal during the previous calendar year.

SEC. 19. Section 5713 of the Revenue and Taxation Code is amended to read:

5713. "Stakes-winning broodmare" means a broodmare which has won at any time during her life a race with a purse to which owners of participating horses have contributed nomination, entry, or starting fees or a recognized stakes race in which all entrants raced by invitation.

SEC. 20. Section 5714 of the Revenue and Taxation Code is amended to read:

5714. "Stakes-producing broodmare" means a broodmare which has produced at any time during her life a racehorse which has won a race with a purse to which owners of participating horses have contributed nomination, entry, or starting fees or a recognized stakes race in which all entrants raced by invitation.

SEC. 21. Section 5715 of the Revenue and Taxation Code is amended to read:

5715. "Stakes yearling", "stakes two-year-old", or "stakes three-year-old" means a racehorse of the designated age which was foaled by a stakes-winning or stakes-producing broodmare.

SEC. 22. Section 5716 of the Revenue and Taxation Code is amended to read:

5716. "Yearling" means a racehorse which was foaled during the previous calendar year.

SEC. 23. Section 5716.5 is added to the Revenue and Taxation Code, to read:

5716.5. "Foal" means a racehorse which is foaled during the current calendar year.

SEC. 24. Section 5717 of the Revenue and Taxation Code is amended to read:

5717. "Active racehorse" means a racehorse which has participated in a horseracing contest on which parimutuel wagering was permitted during the previous calendar year.

SEC. 25. Section 5718 of the Revenue and Taxation Code is amended to read:

5718. "Nonactive racehorse" means any racehorse which has not participated in any horseracing contest on which parimutuel wagering was permitted during the previous calendar year, except a racehorse three years of age or younger.

SEC. 26. Section 5720.5 of the Revenue and Taxation Code is amended to read:

5720.5. "Stud fee classification" will be determined by the highest stud fee charged for the mating of a mare to a stallion during the previous calendar year.

SEC. 27. Section 5720.6 is added to the Revenue and Taxation Code, to read:

5720.6. "Domicile" means:

(a) The home ranch on January 1 of the current calendar year of the owner of a racehorse or other place where the horse is quartered when not racing or in training to race.

(b) The residence on January 1 of the current calendar year of the owner of any racehorse that is not quartered at a home ranch or other location when not racing or in training to race.

SEC. 28. Section 5721 of the Revenue and Taxation Code is amended to read:

5721. For the 1973 calendar year and each calendar year thereafter, on the privilege of breeding, training, caring for or racing a racehorse in this state, there is hereby imposed an annual tax on owners of racehorses for such racehorses domiciled in this state, which shall be in lieu of any property tax on racehorses subject to taxation pursuant to this part.

SEC. 29. Section 5722 of the Revenue and Taxation Code is amended to read:

5722. The annual tax is imposed on and shall be paid by the owner on the following basis:

	Age 12 and younger	Age 13 and older
STALLIONS		
Stud fee classification		
\$10,000 and up	\$1,000	\$650
7,500 and up	750	500
5,000 and up	500	330
3,000 and up	300	200
1,500 and up	150	100
1,000 and up	100	65
Less than 1,000	75	50
BROODMARES		
Stakes-winning producing		
broodmares	75	50

Stakes-producing broodmares	75	50
Other producing broodmares	40	28
Stakes-winning nonproducing broodmares	35	25
Other nonproducing broodmares	20	12
ACTIVE RACEHORSES		
Racehorses which in the previous calendar year earned:		
\$100,000 or more	150	
Between 50,000 and 99,999	100	
Between 25,000 and 49,999	60	
Less than 25,000	40	
OTHER RACEHORSES		
Stakes yearlings, stakes two-year-olds, stakes three-year-olds	35	
Other yearlings, two-year-olds, three-year-olds, and nonactive racehorses	20	

SEC. 30. Section 5723 of the Revenue and Taxation Code is repealed.

SEC. 31. Section 5741 of the Revenue and Taxation Code is amended to read:

5741. Foals born to a racehorse mare during the current calendar year shall be exempt from the tax imposed by this part or by any other part of this code.

SEC. 32. Section 5742 of the Revenue and Taxation Code is repealed.

SEC. 33. Section 5743 of the Revenue and Taxation Code is repealed.

SEC. 34. Section 5761 of the Revenue and Taxation Code is amended to read:

5761. The tax imposed pursuant to this part shall be determined as of 12:01 a.m. January 1 of the calendar year for which it is imposed and shall be immediately due and payable to the tax collector of the county in which the racehorse is domiciled.

SEC. 35. Section 5762 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

5762. The tax imposed by this part shall become delinquent at 5 p.m. on the 15th day of February of the calendar year for which it is imposed.

SEC. 36. Section 5763 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

5763. A delinquent penalty of 6 percent shall attach at 5 p.m. on the day any tax imposed by this part becomes delinquent. An additional penalty of 1 percent shall attach to the tax on the first day of the first calendar month commencing after the tax becomes delinquent and on the first day of each calendar month thereafter, until the delinquent tax and penalties have been paid in full.

SEC. 37. Section 5764 of the Revenue and Taxation Code is amended to read:

5764. If, in the opinion of the tax collector, the amount of tax required to be paid to the county pursuant to this part, or any portion thereof, will be jeopardized by delay, the tax collector shall thereupon make a determination of the tax or the amount of tax to be collected. The amount so determined shall be immediately due and payable. Such jeopardy determinations and the amount of tax found to be due thereunder may be collected by the tax collector by any legal means, including, but not limited to, the procedures established pursuant to Chapter 3.3 (commencing with Section 2851), Chapter 4 (commencing with Section 2901), Chapter 5 (commencing with Section 3002), and Chapter 6 (commencing with Section 3101) of Part 5 of this division.

SEC. 38. Section 5765 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of the 1971 Regular Session, is amended to read:

5765. (a) The assessor may perform audits of the books and records of any owner of racehorses subject to the tax imposed by this part in the county to determine if the correct information has been reported and the proper amount of tax has been paid.

(b) In those cases wherein the board determines that an audit would have been required under Section 469 if the racehorses were subject to property taxation, rather than to the provisions of this part, the assessor shall perform such audits of the books and records of the owners of racehorses subject to the tax imposed by this part as the board by rules and regulations may prescribe.

SEC. 39. Section 5766 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of the 1971 Regular Session, is amended to read:

5766. The tax described in this part may be imposed at any time within five years after the tax would have otherwise become due and the penalties shall date from the time described in Section 5763.

SEC. 40. Section 5767 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

5767. If any person required by Section 5782 to file a report fails to file it by the time specified, the tax collector shall impose on the lawful amount of taxes due under this part, a penalty equal to 10 percent of the tax, and the penalties provided by Section 5763. If any

person required to file the report required by Section 5782 files any false or fraudulent report with an intent to defeat or evade any tax due under this part, the tax collector shall impose on the lawful amount of tax due under this part, a penalty equal to 25 percent of the tax, and the penalties provided by Section 5763.

SEC. 41. Section 5768 of the Revenue and Taxation Code, as added by Chapter 1759 of the Statutes of the 1971 Regular Session, is amended to read:

5768. Upon request of the assessor, an owner of racehorses of a type subject to the tax imposed by this part shall make available at his principal place of business, principal location or principal address in California or at any place mutually agreeable to the assessor and the owner, a true copy of business records relevant to the number and type of racehorses located in any county of the state during any taxable period and the number of days spent in each county during that period. Records referred to in this section shall be retained by the owner for a period of five years from the date any tax to which they relate becomes due.

SEC. 42. Section 5782 of the Revenue and Taxation Code is amended to read:

5782. On forms provided through the office of the assessor, the owner of a racehorse either in person, through his representative or by mail, shall report the tax due. The reports required by this section may be filed with the tax collector of the county in which the racehorse had its domicile. The reports shall be filed on or before 5:00 p.m. on the day the tax due becomes delinquent.

SEC. 43. Section 5801 of the Revenue and Taxation Code is amended to read:

5801. All proceeds derived from the tax, interest, and penalties imposed by this part shall be allocated by the auditor as promptly as is feasible in the following manner:

(a) If the domicile of the racehorse was located within a city and any school district, the proceeds from such racehorse shall be distributed one-third to the city, one-third to the school district, and one-third to the county.

(b) If the domicile of the racehorse was located outside of any city but was located within one or more school districts, the proceeds from such racehorse shall be distributed one-half to the school district or districts and one-half to the county.

(c) If the domicile of the racehorse was located in both an elementary school district and a high school district, the proceeds allocable to school districts shall be divided equally between the elementary and high school districts to the exclusion of all other school districts.

The details of the method of allocation shall be supplied by the county auditor, shall be approved by the board of supervisors and shall fairly carry out the purposes of this section.

SEC. 44. It is the intent of the Legislature that in changing the tax imposed by Part 12 of Division 1 of the Revenue and Taxation Code

from a fiscal to a calendar year reporting period that such tax will continue to be in lieu of all taxes according to value beginning with the fiscal year 1972-73.

SEC. 45. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Considerable uncertainty now exists among taxpayers and tax collectors concerning statutory deadlines for filing reports of tax due, for paying taxes, for allowing exemptions on delinquent filings, and for imposition of late filing and late payment penalties, with regard to the livestock head-day tax and the racehorse tax. Such confusion is causing undue prejudice to some taxpayers and is causing uncertainty among tax collectors concerning their administrative duties. This act makes clarifying technical changes in the administrative provisions of both tax laws. It also changes the taxable period of the racehorse tax from a fiscal to a calendar year in order to simplify reporting procedures for owners of racehorses. The efficient and fair administration of these taxes will be severely jeopardized unless such changes take effect immediately.

CHAPTER 666

An act to amend Section 13085.1 of the Education Code, relating to public school employees.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13085.1 of the Education Code is amended to read:

13085.1. It shall be unlawful for any public school employer, as defined by subdivision (b) of Section 13081, to appoint or designate, or cause or permit the appointment or designation of, any classified employee or classified employees for the purpose of representing any class or group of classified employees, directly or indirectly, with respect to any matter included within Section 13084; provided, that if no classified employee organization or organizations, as defined by Section 13081, represent any of the employees of the district pursuant to this article, the public school employer may appoint or designate, or cause or permit the appointment of, a classified employee committee to advise the public school employer on matters included within Section 13084.

Nothing in this section shall be interpreted to abrogate, in any manner, the rights of the individual to represent himself in employer-employee relations, nor the rights accorded employee

organizations by this article, nor shall it be construed to limit, in any manner, the right of an employee organization to designate the person or persons, whether employees of the district or not, to represent it, its members, or a member, in employer-employee relationships.

CHAPTER 667

An act to amend Sections 55721, 56275, 56301, 56331, and 56381 of, and to add Sections 55863, 55863.5, and 56574.5 to, the Agricultural Code, relating to agricultural marketing.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 55721 of the Agricultural Code is amended to read:

55721. The director on his own motion may, or on a verified complaint shall, make examinations and audits of the books and records of any processor which pertain to the solvency of such processor, or to the purchase, or to the handling and accounting for, of any farm product which is purchased or received on a pack-out or other basis from the producer of such farm product. He may examine and audit all pertinent books, records, weight certificates, receipts, ledgers, journals, papers, contracts, bank statements, canceled checks and other documents of the processor which show or tend to show facts regarding the financial condition and the number and status of accounts of growers and others that are doing business with such processor.

SEC. 2. Section 55863 is added to the Agricultural Code, to read:

55863. Any person that is licensed as processor pursuant to this chapter may secure a dealer's, commission merchant's, broker's, or cash buyer's license, pursuant to Chapter 7 (commencing with Section 56101) of this division by filing an application fee of twenty-five dollars (\$25) for each license for which application is made and upon further complying with those provisions of Chapter 7 (commencing with Section 56101) of this division which regulate the licensing of each particular classification involved. The license shall be known as a conjunctive dealer's, commission merchant's, broker's, or cash buyer's license, as the case may be.

SEC. 3. Section 55863.5 is added to the Agricultural Code, to read:

55863.5. Any person who has applied for and obtained a license as agent, in the manner and upon the payment of the fee which is set forth in Section 55861, whose principal has applied for and obtained a conjunctive dealer's, commission merchant's, broker's, or cash buyer's license, as the case may be, shall be deemed to be

licensed to represent his principal under Chapter 7 (commencing with Section 56101) of this division, and no other fee shall be required of such agent.

SEC. 4. Section 56275 of the Agricultural Code is amended to read:

56275. Every commission merchant shall retain a copy of all records which cover each transaction, for two years from the date of the transaction, which copy shall at all times be available for, and open to, the confidential inspection of the director, consignor, or the authorized representative of either.

SEC. 5. Section 56301 of the Agricultural Code is amended to read:

56301. Every dealer that purchases any farm product from the producer of the farm product shall promptly make and keep for two years a correct record which shows in detail all of the following:

(a) The name and address of the grower.

(b) The date received.

(c) The price to be paid.

(d) An itemized statement of any charges which are paid by the dealer for the account of the producer.

SEC. 6. Section 56331 of the Agricultural Code is amended to read:

56331. Every broker, upon negotiating the sale of farm products, shall issue to both buyer and seller a written memorandum of sale, showing price, date of delivery, quality, and other details concerned in the transaction. A copy of this memorandum shall be retained by the broker for a period of two years.

SEC. 7. Section 56381 of the Agricultural Code is amended to read:

56381. The director on his own motion may, or on a verified complaint shall, make examinations and audits of the books and records of any licensee which pertain to the solvency of such licensee, or to the purchase, or to the handling and accounting for, of any farm product which is purchased or received on consignment from the producer, or handled as a brokerage transaction. He may examine and audit all pertinent books, records, weight certificates, receipts, ledgers, journals, papers, contracts, bank statements, canceled checks, and other documents of the licensee which show or tend to show facts regarding the financial condition and the number and status of accounts of growers and others that are doing business with such licensee.

SEC. 8. Section 56574.5 is added to the Agricultural Code, to read:

56574.5. Any person who has applied for and obtained a license as agent, in the manner and upon the payment of the fee which is set forth in Section 56571, whose principal has applied for and obtained a conjunctive processor's license, pursuant to Section 56574, shall be deemed to be licensed to represent his principal under Chapter 6 (commencing with Section 55401) of this division, and no other fee shall be required of such agent.

CHAPTER 668

An act to amend Section 2732.1 of the Business and Professions Code, relating to nurses.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2732.1 of the Business and Professions Code is amended to read:

2732.1. (a) An applicant for license by examination shall submit a written application in the form prescribed by the board.

Upon approval of the application, the board may issue an interim permit authorizing the applicant to practice nursing pending the results of the first licensing examination following completion of his nursing course.

If the applicant passes the examination, the interim permit shall remain in effect until a regular renewable license is issued by the board. If the applicant fails the examination, the interim permit shall terminate upon notice thereof by certified mail, return receipt requested, or if the applicant fails to receive the notice, upon the date specified in the interim permit.

(b) The board upon written application may issue a license without examination to any applicant who is licensed or registered as a nurse in a state, district or territory of the United States or Canada having, in the opinion of the board, requirements for licensing or registration equal to or higher than those in California, if he has passed an examination for such license or registration that is, in the board's opinion, comparable to the board's examination, and if he meets all the other requirements set forth in Section 2736.

(c) Each application shall be accompanied by the fee prescribed by this chapter for the filing of an application for a regular renewable license.

CHAPTER 669*An act making an appropriation in augmentation of item 219 of the budget act of 1972, relating to job development corporations.*

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four hundred sixty-three thousand nine hundred fourteen dollars (\$463,914) is hereby appropriated from the General Fund for support of the California Job Development

Corporation Law Executive Board, in augmentation of Item 219, Budget Act of 1972.

SEC. 2. This act makes an appropriation for the usual current expense of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 670

An act to amend the heading of Chapter 5 (commencing with Section 16601) of Division 12 of, to amend and renumber Section 16701, and to amend Sections 23550, 23553, 24675, 24678, 25546.50 and 25546.53 of, and to add Division 12.5 (commencing with Section 16700) to, and to repeal Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of, and the heading of Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of and to add and repeal Sections 16728 and 16735 of, the Education Code, to amend Sections 17225.5 and 24371.5 of the Revenue and Taxation Code, to amend Sections 11451.5 and 11451.6 of, to add and repeal Chapter 2.7 (commencing with Section 16165) to Part 4 of Division 9 of, and to repeal Sections 10811 and 10811.5 and Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 and Chapter 2.5 (commencing with Section 16150) of Part 4 of, Division 9 of, the Welfare and Institutions Code, relating to educational programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 5 (commencing with Section 16601) of Division 12 of Part 3 of the Education Code is amended to read:

CHAPTER 5. DEVELOPMENT CENTERS FOR HANDICAPPED MINORS

SEC. 2. Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of Part 3 of the Education Code is repealed.

SEC. 3. The heading of Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of Part 3 of the Education Code is repealed.

SEC. 4. Section 16701 of the Education Code is amended and renumbered to read:

16675. Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be

punished by a fine of not more than two hundred fifty dollars (\$250).

SEC. 5. Division 12.5 (commencing with Section 16700) is added to Part 3 of the Education Code, to read:

DIVISION 12.5. CHILD DEVELOPMENT ACT

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

16700. This division shall be known and may be cited as the Moretti-Lewis-Brown-Rodda Child Development Act.

16701. The purpose of this division is as follows:

(a) To provide as a concomitant part of the educational system an integrated plan for the care and development of children in the absence of their parents which places primary emphasis upon: 1) the preparation of preschool children for effective matriculation in the educational programs of their community when they reach school age, 2) the improved educational performance of children of school age with particular emphasis upon those children who require special assistance to attain their full potential.

(b) To provide parents with an opportunity to: 1) attain the capacity to provide support for their family through employment, 2) undertake educational activities which will assist them in providing an improved level of parental care and supervision of their children, 3) participate with the school system in assisting in provision of the full range of child development services contemplated by this division. It is the intent of the Legislature that any parent who enrolls his child in any day care program authorized by this division shall be afforded the fullest opportunity to participate with the agency providing services and that each agency providing such services shall make every attempt to involve parents of enrolled children in the care for their children in such programs.

16702. It is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction will give priority to children of families who qualify under federal regulations as former, current, or potential recipients of public assistance and other low-income and disadvantaged families. Federal reimbursement shall be claimed for any child receiving services under this division for whom federal funds are available.

16703. The Department of Education is hereby designated as the single state agency responsible for the promotion, development and provision of care of children in the absence of their parents during the workday or while engaged in other activities which require assistance of a third party or parties.

16704. The Superintendent of Public Instruction shall, pursuant to Section 204 of the Intergovernmental Cooperation Act of 1968, request such waivers of single state agency requirements as are necessary in order to utilize available federal funds for the purposes of this division.

16705. Until such waiver is granted by the federal government,

the single state agency authorized by federal law to provide any child care service provided for in this division shall have only such functions, duties and responsibilities conferred by this division upon the Department of Education and the Superintendent of Public Instruction with respect to such child development services as are required by federal law and regulation. In such event, such single state agency shall provide child development services under a purchase of service agreement with the Superintendent of Public Instruction from funds appropriated for such services. The Superintendent of Public Instruction shall provide the necessary documents required by the federal government pursuant to this section to support the state's claim for federal reimbursement and shall certify that the school district, or other organization providing the care, has available the accounting records and other supporting documents to justify the claim for reimbursement and that such records are available for audit by the State Controller and by any authorized federal agency.

16706. As used in this division, "parent" includes any person having legal custody of a child.

16707. The term "workday" is defined as that time the parent requires temporary care for a child for any of the following reasons:

(a) To undertake training in preparation for a job.

(b) To undertake or retain a job.

(c) To undertake other activities which are essential to maintaining or improving the social and economic function of the family, are beneficial to the community, or are required because of health problems in the family.

16708. For the purposes of this chapter, "cost" shall mean all program costs that are related to the operation of child development programs. "Cost" shall include the state contribution and the school district's portion of retirement costs, a pro rata share of the school district's overhead, and any other program-related cost.

16709. Child development facility means any facility providing child care services pursuant to this division and includes preschool and children center facilities and other types of facilities providing for the care of children for less than 24 hours a day.

16710. Child development services means child care services provided for any part of a workday provided by public or private agencies and includes, but is not limited to, the following:

(a) A preschool program for those children who can benefit from such service in preparing for matriculation in school.

(b) Day care for children of migrant families.

(c) A children's center program.

(d) A neighborhood family day care system operated by the school district or other authorized agency separately or in conjunction with the children's center program.

(e) Homemaker services to meet emergency conditions and to provide an additional parent educational resource.

(f) Social services as necessary to insure parent-child adjustments

to out-of-home child care and to assist in promotion and development of the neighborhood family day care system.

(g) Experimental projects in providing child care and adjunctive services.

(h) Health screening and health treatment to the extent provided by the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code).

CHAPTER 2. ADMINISTRATION

16720. The Department of Education shall develop and promote a full range of services as are essential to the creation of a child development program which will meet a wide variety of child needs. The range of services shall include as a minimum, all of the services listed in Section 16710.

Priority shall be given by the Department of Education to the employment of persons in child development programs with ethnic backgrounds which are similar to those of the child for whom child care services are provided.

16721. The Department of Education shall assist the State Department of Human Resources Development and the State Department of Social Welfare by offering training and job opportunities in local child development programs for recipients of public assistance and to those persons who qualify under federal regulations as former, current or potential recipients of public assistance.

16722. The Superintendent of Public Instruction shall be responsible for the formulation and promotion of a child development program in all communities of this state where the need therefor exists. Such program shall provide child development services at the minimum cost possible consistent with required quality of service and the specific needs of the particular child.

16724. The Superintendent of Public Instruction shall enter into contracts with the local school district or the county superintendent of schools to provide programs under this division or enter into contracts with voluntary, public or private agencies to provide for such programs. The Superintendent of Public Instruction may also contract with any public or private agency for the furnishing of property, facilities, personnel, supplies, equipment, and other necessary items. Fiscal responsibility of the state shall be limited to funds specifically appropriated by the Legislature.

16725. The Superintendent of Public Instruction shall adopt rules and regulations that provide for procedures and standards for the accreditation of neighborhood family day care homes. Neighborhood family day care homes may be accredited by the school district in which the home is located in accordance with the rules and regulations of the Superintendent of Public Instruction. Any neighborhood family day care home accredited by a school district shall be exempt from licensure required by the provisions of Chapter

1, (commencing with Section 16000) of Part 4 of Division 9 of the Welfare and Institutions Code.

16726. The Superintendent of Public Instruction shall be responsible for the formulation and conducting of public hearings essential to the establishment and promotion of all aspects of this division and shall be responsible for preparing any state plan required by federal law in order that this state may qualify for any federal funds available for the care of children.

16727. The Superintendent of Public Instruction shall provide the Director of Finance and the State Controller with a basic plan for the filing of claims and for reimbursement for the distribution of any federal funds which are received by this state for child development services. The Superintendent of Public Instruction and the State Controller shall establish the necessary plans to advance funds received from the federal government in order that the various school districts, county superintendents of schools or other authorized organizations will be able to provide the child development services described by this division.

16728. The Superintendent of Public Instruction shall adopt rules and regulations which shall include standards for determining eligibility and priority of service. Children who qualify for services pursuant to programs which are in whole or in part federally funded shall have first priority. Former, current or potential recipients shall be defined as those persons for whom federal reimbursement for care of children is allowed by any federal law or regulation relative to services to children or for child care or child development. The information necessary to establish eligibility of a child for federal reimbursement shall be completed as a part of intake procedures used in accepting a child for care or service.

In the event the superintendent is forced to curtail services, because of a lack of or limitation placed upon the availability of federal funds to carry out the purposes of this division, he shall reduce the scope of the program by giving priority for services to those persons who are engaged in a federal or state mandated education or training program.

The regulations formulated and promulgated pursuant to this section shall include the recommendations of the State Department of Public Health and the State Department of Health Care Services relative to health care screening and the provision of health care services. The Superintendent of Public Instruction shall seek the advice and assistance of these health authorities in situations where service under this chapter includes or requires care of ill or handicapped children.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

16729. The Superintendent of Public Instruction shall establish a fee schedule for those families utilizing the services who do not qualify as recipients of public assistance as defined by federal law and regulations or who meet the maximum income permitted for an

employed recipient. The fee schedule so established shall be a rational extension in relation to the family income of those persons receiving free child care service and shall be in keeping with the principle of providing an incentive to the family to improve its capacity to provide for present and future family needs.

16730. The Department of Education may accept funds from the Regents of the University of California, the Trustees of the California State Colleges, the governing boards of community college districts and any private funds or resources authorized by a public or private profit or nonprofit agency as matching funding to maximize federal reimbursements.

16732. The Superintendent of Public Instruction shall establish reasonable and uniform standards not in conflict with the provisions of this division for child development programs established and maintained under the provisions of this division and no program shall be so established and maintained which does not comply with such standards.

The Superintendent of Public Instruction may establish such regulations as he deems advisable concerning conditions of service and hours of enrollment for children in the programs. In fixing the hours of child development services under this chapter, the superintendent shall assure that needed services will be provided for night shift or late-hour workers whenever the demand for such service exists.

16733. No standard, rule or regulation shall require medical examination or immunization for admission to a children's center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

16734. The State Board of Education shall prescribe minimum educational standards for child development programs under this division and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established.

16735. The Governor shall appoint an advisory committee composed of one representative from the State Board of Public Health, one representative from the Department of Human Resources Development, one representative from the State Board of Education, one representative from the State Social Welfare Board, one representative of the Director of Education, one representative of the Director of Social Welfare, one representative of the Director of Public Health, and one representative of private education, one

representative of child welfare, one representative of private health care, one representative of a proprietary child care agency, one representative of a community action agency qualified under Title II of the Economic Opportunity Act of 1969, and five parents of children participating in the program appointed from names selected by a democratic process to assure representation of the parents of the children being served, and three persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with child development programs.

The advisory committee shall assist the Department of Education in developing a state plan for child development programs pursuant to this division.

The advisory committee shall continually evaluate the effectiveness of such programs and shall report thereon at each regular session of the Legislature.

A "proprietary child care agency" is an organization or facility providing child care, which is operated for profit.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

16736. The Superintendent of Public Instruction shall arrange for the employment of the community social service personnel deemed necessary to provide the home care recruitment activities, child placement services, and the parent counseling services for those parent-child adjustment problems which arise. Such personnel shall be assigned in relation to the need therefor.

The Superintendent of Public Instruction shall charge each public or private agency operating child care services under this division an amount not to exceed two cents (\$.02) per child care hours for costs incurred by the Department of Education, including the promotion and administration of child development services, the provision of social services personnel necessary, the functioning of neighborhood family day care, the preparation of accounts, records and reports required by the federal government, and other services which are of specific assistance to the operation of local child development services. The charge made pursuant to this section shall be considered a cost as defined by Section 16708. The hours of attendance of children enrolled in the preschool program shall be excluded.

CHAPTER 3. LOCAL PROGRAMS

16740. The governing board of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain child development programs upon the approval of, and subject to the regulations of the Superintendent of Public Instruction.

16741. The governing board of any school district or the county superintendent of schools may accommodate in a child development

facility maintained by it children residing in another district, upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

16743. The governing board of any school district or the county superintendent of schools may permit the use of and furnish maintenance for buildings, grounds, and equipment, and the use of existing administrative personnel for the purposes of this division.

16744. The employees of school districts or county superintendents of schools in preschool and other types of child development services under this division shall have the same rights and privileges as are granted to employees of the same agencies in children's centers.

16745. The governing board of any school district may adopt such reasonable rules and regulations governing the child development services or facilities maintained by it as are not in conflict with law or the standards and regulations established for child development services by the Superintendent of Public Instruction.

16746. Notwithstanding any other provisions of this division, a public or private agency or a school district or a county superintendent of schools operating child development facilities may enter into an agreement with the State Department of Human Resources Development which will provide an opportunity to participants in work incentive programs under Division 2 (commencing with Section 5000) of the Unemployment Insurance Code for training in child development facilities. Training pursuant to such agreement shall have the objective of preparation for a career in the field of child care.

16749. The governing board of any school district shall establish in the county treasury a fund to be known as the "child development fund" into which shall be paid all funds received by the district for, or from the operation of, child development services under this division. The costs incurred in the maintenance and operation of child development services shall be paid from the fund, with accounting to reflect specific funding sources, except any contributions authorized or required to be paid by the district on account of services of employees providing child development services to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Sections 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipt of district taxes or derived from moneys apportioned to the district for the support of schools thereof, except state moneys appropriated for the support of child development services, fees, and federal funds, may be expended for, or in connection with child development services.

16750. The governing board of any school district maintaining a children's center program may include in its budget the amount necessary to carry out its program pursuant to this chapter and the board of supervisors shall levy a school district tax necessary to raise

such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

CHAPTER 4. CHILDREN'S CENTERS QUALIFICATIONS

16760. The governing board of a school district shall employ in a children's center only such persons who hold permits issued by the Commission for Teacher Preparation and Licensing. Any person holding a teaching credential issued by the State Board of Education or commission is deemed to hold a regular children's center permit that will authorize supervision and instruction of children or supervision of a children's program. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and instruction of children or supervision of a program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 95 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before such date, authorizing him to serve in the position for which he was employed, and must, not later than 95 days after the renewal thereof, file the renewed permit in the same manner.

16761. Notwithstanding any other provision of law, a high school student or any other adult shall be selected by the governing board of a school district or a county superintendent of schools to serve as nonteaching personnel as provided in Section 16721 to perform noninstructional work. A career ladder shall be utilized in the employment and promotion of such noninstructional personnel. Each such person shall have had a health examination made within the 12-month period preceding the date of employment. Each person shall also submit duplicate personal identification cards upon which shall appear legible fingerprints and a personal description of the applicant.

16762. The same fee as that prescribed for a credential provided in Section 13182 shall be charged for either the issuance or renewal of each children's center permit authorizing service in the supervision and instruction of children in the children's centers or authorizing service as a supervisor in a program.

16763. Children's center permits issued to persons employed in positions pertaining to the supervision and instruction of children or supervision of a children's center program may consist of two types, regular and provisional. Requirements for each type of permit shall be prescribed by the Commission for Teacher Preparation and Licensing.

16764. Service under a provisional permit shall not be included in computing the service required as a prerequisite to attainment of,

or eligibility to, classification as a permanent employee of a children's center. Such persons employed on the effective date of Chapter 1717 of the Statutes of 1965 and who have been employed for three consecutive years prior to the effective date of this legislation shall be deemed to have met the requirements for a regular permit and shall not be subject to the requirements of a provisional permit.

16765. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to children's center employees whose children's center permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a permit. Such certificate shall be valid for not more than 90 schooldays and only until the permit originally requested is either issued or denied by the State Superintendent of Public Instruction.

16766. Each person employed by a school district in a position requiring a children's center permit for the supervision and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's center program, shall be deemed to be employed in a position requiring certification qualifications.

Each other person employed by a district in a children's center under the provisions of this division shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications.

The provisions of Section 13525 or Section 13526 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, shall not apply to employees in children's centers.

A district may lay off an employee required to have such a permit at any time during the school year for lack of work or lack of funds or may provide for his employment for not to exceed 90 days in any one school year on an intermittent basis which shall not be deemed probationary service. The order of layoff shall be determined by length of service. The employee who has served the shortest time shall be laid off first, except that no permanent employee shall be laid off ahead of a probationary employee. A permanent employee who has been laid off shall hold reinstatement rights for a period of 39 months from the date of layoff.

Service performed prior to the effective date of Chapter 2 of the Statutes of 1959 shall not be included in computing the service required as a prerequisite for attainment of, or eligibility to, classification as a permanent children's center employee.

A person who is employed by a district as a probationary employee in a position requiring a children's center permit for the supervision and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's program and who has served in such a position for three complete consecutive school years

as defined in Sections 13328 and 13464 of the Education Code, immediately prior to the effective date of Chapter 2 of the Statutes of 1959 may be dismissed only in accordance with the provisions of Section 13444.

Other persons who are employed as probationary employees in positions requiring such permits on or after the effective date of Chapter 2 of the Statutes of 1959 may be dismissed in accordance with the provisions of Section 13443.

16767. Any city, county, or city and county charter provision to the contrary notwithstanding, each person employed by a school district on July 1, 1955, and each person employed by a school district on September 11, 1957, who was theretofore excluded, solely by reason of the provisions of the predecessor of Section 16626 in effect prior to July 1, 1955, or who was theretofore excluded solely by reason of the provisions of the predecessor of this section prior to September 11, 1957, from membership in any retirement system in which the district participates or to which it contributes for the purpose of providing retirement rights and benefits for employees of the district not employed in a status requisite for membership in the State Teachers' Retirement System, shall become a member of the retirement system from which he was excluded, on July 1, 1955, or on September 11, 1957, if theretofore excluded solely by reason of the provisions of the predecessor of this section in effect prior to that date. Every such member shall be entitled to credit for service in children's centers rendered prior to July 1, 1955, or prior to September 11, 1957, if therefore excluded, and before he became a member of the system, in the same manner as if he had not theretofore been excluded from membership in the retirement system, except that he shall not be required to make any contributions to the retirement system in respect to such service rendered prior to his membership, and all contributions necessary to provide benefits on account of such service shall be paid to the retirement system by the school district by which the member is employed. For the purpose of computing benefits for services rendered prior to July 1, 1955, as provided in this section, the average monthly salary earned by such employee in the fiscal year 1954-55 shall be used and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of the predecessor of this section as amended by Chapter 1238 of the Statutes of 1957, the average monthly salary earned by such employees in the fiscal year 1956-57 shall be used.

Notwithstanding any other provisions of this section, for the purpose of computing benefits for any person retired on and after January 1, 1958, for services rendered prior to July 1, 1955, as provided in this section, and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of this section, the "final compensation" of such person

shall be computed in the same manner as for other employees who are included in the same retirement system and in the same class of retirement system members and who are not affected by this section. The amendment to this section enacted at the 1963 session shall be applied to increase the allowances, payable subsequent to October 1, 1963, in respect to those members who retired on or after July 1, 1955.

Notwithstanding any other provision of this section no increased allowance shall be paid, as authorized by this section, to any person who has retired between July 1, 1955, and October 1, 1963, unless the person to whom the increase would otherwise be payable mails written application for the increase to the appropriate retirement system prior to April 1, 1964.

16768. Any person who is employed in a child care center on October 1, 1965, and who was brought into membership in a retirement system on October 1, 1963, notwithstanding his prior election pursuant to Section 16767 or the predecessor of such Section 16767 as it read prior to October 1, 1963, not to be a member of such system, shall have the same rights under such system with respect to his service in child care centers as he would have had under Section 16767 or the predecessor of such section had he elected thereunder to be a member of such system.

16769. Every employee of a children's center who before his employment in such center was employed by the district maintaining such center in a position entitling him to membership in, and who was a member of, the retirement system maintained by such district, and if such employee's contributions to such retirement system were returned to him when he was employed in the children's center, such employee shall have the right to elect, by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system, either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of subdivision (b) of Section 14696, will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never had his contributions returned to him. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes, such contributions and pays such interest, but not otherwise, he shall receive credit under such employees' system, as

state service, for all prior service rendered while he was not a member of such plan.

16770. The Commission for Teacher Preparation and Licensing shall establish standards for the issuance of the permits herein provided for. Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

CHAPTER 5. STATE SUPPORT

16780. The statewide average support from state funds per hour per child for the children's center program shall be fifty-two cents (\$0.52).

(a) For purposes of this article, the Superintendent of Public Instruction shall apportion state funds to the districts using fifty-two cents (\$0.52) per hour per child. If the fees collected by any district shall for any month be less or more than twenty cents (\$0.20) per hour per child, for those children for whom fees are collected, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than twenty cents (\$0.20) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

(c) The amount apportioned to each school district shall be the district's cost, as defined in Section 16615.1, or the state-supported rate, whichever provides the lesser amount.

16781. The State Department of Education is hereby authorized to accept funds from the government of the United States and to apportion them to the governing board of such school districts or county superintendent of schools or other public or private agencies as conduct child development programs which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this division and all such funds may be accepted subject to such conditions as will further the purposes of this division.

16782. Any money appropriated to be apportioned by the Department of Education, for the purposes of this division, to school districts or county superintendent of schools or other public or private agencies maintaining child development programs pursuant to this division and to the governing authorities of state institutions maintaining child development programs, shall be apportioned to such school districts, county and governing authorities solely in accordance with the provisions of this division.

State allocations or apportionments shall be paid to school districts or county superintendent of schools or other public or private agencies on a monthly basis by the Superintendent of Public Instruction.

16783. Children regularly enrolled in a children's center who are absent on account of illness or quarantine shall be considered to be

in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

SEC. 6. Section 23550 of the Education Code is amended to read:
23550. The Regents of the University of California may establish and maintain a children's center on or near each campus of the university pursuant to the provisions of Division 12.5 (commencing with Section 16700).

SEC. 7. Section 23553 of the Education Code is amended to read:
23553. Children of students of that particular campus shall have first priority for attendance at a children's center established pursuant to this chapter in the order described in Section 16728.

SEC. 8. Section 24675 of the Education Code is amended to read:
24675. The Trustees of the California State Colleges may establish and maintain a children's center on or near each state college campus pursuant to the provisions of Division 12.5 (commencing with Section 16700).

SEC. 9. Section 24678 of the Education Code is amended to read:
24678. Children of students of that particular campus shall have first priority for attendance at a children's center established pursuant to this chapter in the order described in Section 16728.

SEC. 10. Section 25546.50 of the Education Code is amended to read:

25546.50. The governing board of any school district maintaining a community college may establish and maintain a children's center on or near each community college campus pursuant to the provisions of Division 12.5 (commencing with Section 16700).

SEC. 11. Section 25546.53 of the Education Code is amended to read:

25546.53. Children of students of that particular campus shall have first priority for attendance at a children's center established pursuant to this chapter in the order described in Section 16728.

SEC. 12. Section 17225.5 of the Revenue and Taxation Code is amended to read:

17225.5. It is the intent of the Legislature that child development services be established in locations which make it convenient for eligible families who are employed, to be employed, or who are enrolled in employment training programs.

Owners of places of employment who establish facilities pursuant to Division 12.5 (commencing with Section 16700) of the Education Code and who allow for programs to be established pursuant to Division 12.5 (commencing with Section 16700) of the Education Code may elect, in accordance with regulations prescribed by the Franchise Tax Board, to compute the depreciation deduction

provided by subdivision (a) of Section 17208 attributable to such facilities under the straight-line method using a useful life of 60 months and no salvage value. Such method shall be in lieu of any other method of computing the depreciation deduction under subdivision (a) of Section 17208 and shall be allowed only for such part of facilities which are certified by the State Department of Education as being used for child development services pursuant to Division 12.5 (commencing with Section 16700) of the Education Code.

SEC. 13. Section 24371.5 of the Revenue and Taxation Code is amended to read:

24371.5. It is the intent of the Legislature that child development services be established in locations which make it convenient for eligible families who are employed, to be employed or who are enrolled in employment training programs.

Owners of places of employment who establish facilities pursuant to Division 12.5 (commencing with Section 16700) of the Education Code and who allow for programs to be established pursuant to Division 12.5 (commencing with Section 16700) of the Education Code may elect, in accordance with regulations prescribed by the Franchise Tax Board, to compute the depreciation deduction provided by subdivision (a) of Section 24349 attributable to such facilities under the straight-line method using a useful life of 60 months and no salvage value. Such method shall be in lieu of any other method of computing the depreciation deduction under subdivision (a) of Section 24349 and shall be allowed only for such part of facilities which are certified by the State Department of Education as being used for child development services pursuant to Division 12.5 (commencing with Section 16700) of the Education Code.

SEC. 14. Section 10811 of the Welfare and Institutions Code as amended by Chapter 1726 of the Statutes of 1971, is repealed.

SEC. 15. Section 10811.5 of the Welfare and Institutions Code is repealed.

SEC. 16. Section 11451.5 of the Welfare and Institutions Code is amended to read:

11451.5. The purpose of this section is to provide the department with the necessary support and authority to implement provisions of the Work Incentive Program as established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. The cost of work or training-related expenses shall be paid from special funds appropriated by the Legislature for the purpose. The state shall pay 67½ percent and the county shall pay 32½ percent of the additional aid furnished for such work or training-connected expenses after a deduction therefrom of any funds received from the United States government.

It is the intent of this section to make maximum use of federal funds that are available to provide training, work-related expenses, and allowances for child care services. Accordingly, each county shall

be required to pay such expenses under that plan which provides the greatest financial participation by the United States government.

Day care services shall be provided pursuant to Division 12.5 (commencing with Section 16700) of Part 3 of the Education Code in order to permit persons qualified for aid under this chapter to participate in the Work Incentive Program authorized by Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. No allowance for day care of children shall be included in the grant authorized by Section 11450; except that during such times that the Superintendent of Public Instruction advises the welfare director of the county that he is unable to provide child care for each child eligible for services under Division 12.5 (commencing with Section 16700) of the Education Code, allowances for such care shall be provided either from income or grant allowances or from the Work Incentive Program, whichever is applicable.

SEC. 18. Section 11451.6 of the Welfare and Institutions Code is amended to read:

11451.6. Notwithstanding Section 11008, any exemptions from earned income for work-related expenses authorized under other provisions of this chapter shall be limited to a standard allowance of fifty dollars (\$50) per month plus reasonable and necessary costs for child care for children during such times that the Superintendent of Public Instruction advises the welfare director of the county that he is unable to provide child care for each child eligible for services under Division 12.5 (commencing with Section 16700) of the Education Code. For purposes of this section, reasonable and necessary costs of child care are defined as actual costs, not to exceed the costs of securing child care available in the community which meets the minimum standards of the Federal Interagency Day Care Agreement of Section 107 of Public Law 90-222 (Economic Opportunity Amendments of 1967).

To the maximum extent possible, child care shall be provided as a service cost pursuant to Division 12.5 (commencing with Section 16700) of Part 3 of the Education Code.

SEC. 19. Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 20. Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 21. Chapter 2.7 (commencing with Section 16165) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 2.7. OFFICE OF EDUCATIONAL LIAISON

16165. There is, in the Health and Welfare Agency, an Office of Educational Liaison.

16166. The director of the office shall be appointed by the Governor. The director shall report to the Secretary of the Health and Welfare Agency.

16167. The director may employ such staff and clerical assistance as is necessary to carry out the duties of the office.

16168. The office shall be responsible for planning, development, and coordination with departments of state government concerned with child development and educational activities, as appropriate.

16169. The office shall be responsive to the needs and requirements of such departments by coordinating with such departments as needed and shall not direct the departments.

16170. Any contracts required between the various agencies shall be approved by the director of each such agency.

16171. The departments of state government shall cooperate with and furnish such information as necessary to perform the functions of the office, pursuant to this chapter.

16172. The office shall submit to the Legislature on or before June 1, 1973, a report on the development of a comprehensive statewide child development plan and the educational activities of the office carried out pursuant to this chapter.

16173. This chapter shall cease to be operative on the 61st day after the final adjournment of the 1975 Regular Session of the Legislature and is on that date repealed.

SEC. 22. There is hereby appropriated for the purposes of this act, as follows:

(a) The sum of three million dollars (\$3,000,000) from the General Fund to the Health and Welfare Agency to be expended through a contract with the Department of Education for the purposes of Division 12.5 (commencing with Section 16700) of the Education Code.

(b) The sum of one hundred thousand dollars (\$100,000) to the Health and Welfare Agency to plan, develop, and coordinate with departments of state government concerned with child development and educational activities as appropriate until the Office of Educational Liaison becomes operational, and at that time to transfer the unexpended balance to that office for the purposes of Chapter 2.7 (commencing with Section 16165) of Part 4 of Division 9 of the Welfare and Institutions Code.

(c) The amount appropriated pursuant to subdivision (b) of Item 259 and subdivision (a) of Item 274 of the Budget Act of 1971 which reverted to the General Fund on June 30, 1972, to be expended in accordance with subdivision (a).

SEC. 23. Section 16728 is added to the Education Code, to read:

16728. The Superintendent of Public Instruction shall adopt rules and regulations which shall include standards for determining eligibility and priority of service. Children who qualify for services pursuant to programs which are in whole or in part federally funded shall have first priority. Former, current or potential recipients shall be defined as those persons for whom federal reimbursement for care of children is allowed by any federal law or regulation relative to services to children or for child care or child development. The information necessary to establish eligibility of a child for federal

reimbursement shall be completed as a part of intake procedures used in accepting a child for care or service.

In the event the superintendent is forced to curtail services, because of a lack of or limitation placed upon the availability of federal funds to carry out the purposes of this division, he shall reduce the scope of the program by giving priority for services to those persons who are engaged in a federal- or state-mandated education or training program.

The regulations formulated and promulgated pursuant to this section shall include the recommendations of the Department of Health relative to health care screening and the provision of health care services. The Superintendent of Public Instruction shall seek the advice and assistance of these health authorities in situations where service under this chapter includes or requires care of ill or handicapped children.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 24. Section 16735 is added to the Education Code, to read:

16735. The Governor shall appoint an advisory committee composed of one representative from the State Board of Public Health, one representative from the Department of Human Resources Development, one representative from the State Board of Education, one representative from the State Social Welfare Board, one representative of the Director of Education, one representative of the Director of Social Welfare, one representative of the Director of the Department of Health, and one representative of private education, one representative of child welfare, one representative of private health care, one representative of a proprietary child care agency, one representative of a community action agency qualified under Title II of the Economic Opportunity Act of 1969, and five parents of children participating in the program appointed from names selected by a democratic process to assure representation of the parents of the children being served, and three persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with child development programs.

The advisory committee shall assist the Department of Education in developing a state plan for child development programs pursuant to this division.

The advisory committee shall continually evaluate the effectiveness of such programs and shall report thereon at each regular session of the Legislature.

A "proprietary child care agency" is an organization or facility providing child care, which is operated for profit.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 25. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Sections 16728 and 16735 of the Education Code, as proposed by Section 5 of this act, shall remain in

effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Sections 16728 and 16735 of the Education Code, as proposed by Sections 23 and 24, respectively, of this act, which include the changes made by Reorganization Plan No. 1 and the additions made to the Education Code by Section 5 of this act, shall become operative.

SEC. 26. Chapter 2.7 (commencing with Section 16165) of Part 4 of Division 9 of the Welfare and Institution Code, as added by Section 21 of this act shall not become operative until the 61st day after the final adjournment of the 1972 Regular Session of the Legislature.

SEC. 27. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the programs authorized by this act to begin operation as early in the 1972-1973 fiscal year as possible, and so facilitate the orderly administration of such programs, it is necessary that this act take effect immediately.

CHAPTER 671

An act to amend Sections 32111, 32112, and 32114 of the Education Code, relating to continuous school programs.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 32111 of the Education Code, as added by Chapter 139 of the Statutes of 1971, is amended to read:

32111. The governing board of any school district operating pursuant to the provisions of this chapter shall divide the students of each selected school into as many groups as necessary to adequately accommodate a continuous school program so established and conducted. Students of the same family shall be placed in the same group unless one or more of such students is enrolled in a special education class or unless the parent or guardian of such students requests that the students be placed in different groups.

SEC. 2. Section 32112 of the Education Code, as added by Chapter 139 of the Statutes of 1971, is amended to read:

32112. The governing board of any school district operating pursuant to the provisions of this chapter shall establish a school calendar whereby the teaching sessions and vacation periods during the school year are on a rotating basis.

SEC. 3. Section 32114 of the Education Code, as added by Chapter 139 of the Statutes of 1971, is amended to read:

32114. The teaching sessions and vacation periods established

pursuant to Section 32112 shall be established without reference to the school year as defined in Section 5101. The schools and classes shall be conducted for a total of no fewer than 175 days during the academic year.

CHAPTER 672

An act to add Sections 5350.3 and 5350.5 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5350.3 is added to the Vehicle Code, to read:
5350.3. No trailer coach manufactured on or after the effective date of this section, shall be sold or offered for sale in this state, unless such trailer coach has been issued, upon completion of the manufacturing process, a certificate of origin, on a form approved by the department, which contains the following:

- (a) The name and address of the manufacturer.
- (b) The trade name of the unit.
- (c) The series or model name of the unit.
- (d) The shipping weight of the unit.
- (e) The width and length of the unit.
- (f) The serial number of the unit.
- (g) The date that the ownership was transferred from the manufacturer and to whom the ownership was transferred.
- (h) A certification of facts signed by a responsible agent of the manufacturer.

SEC. 2. Section 5350.5 is added to the Vehicle Code, to read:
5350.5. Application for the original registration of, or for an original certificate of ownership to, a new trailer coach, shall be accompanied by a certificate of origin, or true copy thereof, from the manufacturer showing the date of sale to the dealer or person first receiving it from the manufacturer, the name of the dealer or person and a description sufficient to identify the trailer coach, and a certification that the trailer coach was new when sold. If sold through a dealer, the dealer shall certify that the trailer coach was new when sold to the applicant.

SEC. 2. This act shall become operative on July 1, 1973.

CHAPTER 673

An act to add Section 23356.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23356.1 is added to the Business and Professions Code, to read:

23356.1. (a) A winegrower's license also authorizes the person to whom issued to conduct winetastings of wine produced or bottled by, or produced and packaged for, such licensee, either on or off the winegrower's premises.

(b) Notwithstanding any other provisions of this division, a winegrower who, prior to July 1, 1970, had, at his premises of production, sold to consumers for consumption off the premises domestic wine other than wine which was produced or bottled by, or produced and packaged for, such licensee, and which was not sold under a brand or trade name owned by such licensee, and who had, prior to July 1, 1970, conducted winetastings of such domestic wine at his licensed premises, is authorized to continue to conduct such winetasting and selling activities at such licensed premises.

(c) The department may adopt such rules as it determines to be necessary for the administration of this section.

CHAPTER 674

An act to amend Section 31245 of the Education Code, relating to graduate fellowships.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31245 of the Education Code is amended to read:

31245. No person shall be granted a fellowship unless:

(a) He is a resident of California.

(b) He has received, or will have received, a baccalaureate degree prior to the time of enrollment in a graduate school or has been accepted for admission by a graduate or professional school.

CHAPTER 675

An act to amend Section 3712 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3712 of the Revenue and Taxation Code is amended to read:

3712. The deed conveys title to the purchaser free of all encumbrances of any kind existing before the sale, except:

(a) Any lien for installments of special assessments, which installments will become payable upon the secured roll after the time of the sale.

(b) The lien for taxes or assessments or other rights of any taxing agency which does not consent to the sale under this chapter.

(c) Liens for special assessments levied upon the property conveyed which were, at the time of the sale under this chapter, not included in the amount necessary to redeem the property from the sale to the state, and, where a taxing agency which collects its own taxes has consented to the sale under this chapter, not included in the amount required to redeem from sale to such taxing agency.

(d) Easements constituting servitudes upon or burdens to the property; water rights, the record title to which is held separately from the title to the property; and restrictions of record.

(e) Unaccepted, recorded, irrevocable offers of dedication of the property to the public or a public entity for a public purpose, and recorded options of any taxing agency to purchase the property or any interest therein for a public purpose.

CHAPTER 676

An act to amend Sections 11102, 11103, and 11105 of, and to add Sections 311, 311.5, and 11102.5 to, the Vehicle Code, relating to driving schools.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 311 is added to the Vehicle Code, to read:

311. A "driving school licensee" is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver's license issued by the

department.

SEC. 2. Section 311.5 is added to the Vehicle Code, to read:

311.5. A "driving school operator" is either a driving school licensee who operates his own driving school or an employee of a driving school who is designated by the driving school licensee of such school to personally direct and manage the school for the licensee.

SEC. 3. Section 11102 of the Vehicle Code, as amended by Chapter 1748 of the Statutes of 1971, is amended to read:

11102. (a) A driving school licensee shall:

(1) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(2) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(3) Procure and file with the department a good and sufficient bond in the amount of two thousand dollars (\$2,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, and conditioned that such applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant.

The aggregate liability of the surety for all claims of such persons shall, in no event, exceed the penal sum of such bond.

The alternative requirement of a cash deposit as provided for in this section can be satisfied by any of the following:

(i) Certificates of deposit payable to the department issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(ii) Investment certificates or share accounts assigned to the department and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(iii) Bearer bonds issued by the United States government or by this state.

(iv) Cash deposited with the department. The terms and conditions surrounding each of the foregoing types of security shall be prescribed by the department.

(4) Meet the requirements of Section 11102.5. If the licensee is not the operator of the driving school he shall designate an operator who shall meet the requirements of Section 11102.5.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application and examination shall be required.

SEC. 4. Section 11102.5 is added to the Vehicle Code, to read:

11102.5. (a) A driving school operator shall:

(1) Be of good moral character.

(2) Within three attempts, pass such examination as the

department shall require on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, and office procedures and recordkeeping.

(3) Pay to the department an application fee of one hundred dollars (\$100) which shall entitle the applicant to three examinations within a period of one year.

(4) Be 18 years of age or older.

(5) Have worked for an established licensed California driver training school as a driving instructor for a period of not less than 1,000 hours of actual behind-the-wheel teaching and on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that this paragraph does not apply to any person who is certified by the Department of Education as fully qualified to teach driver education and driver training in the public school system.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application or a new application, examination and fee shall be required.

SEC. 5. Section 11103 of the Vehicle Code is amended to read:

11103. A driving school licensee and an independent instructor licensed under Section 11105.5 shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor and any person taking instruction in at least the following amounts: twenty thousand dollars (\$20,000) for bodily injury to or death of one person in any one accident and, subject to the limit for one person, forty thousand dollars (\$40,000) for bodily injury to or death of two or more persons in any one accident, and the amount of ten thousand dollars (\$10,000) for damage to property of others in any one accident.

Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the department and the certificate shall stipulate that the insurance shall not be canceled except upon 10 days prior written notice to the department.

SEC. 6. Section 11105 of the Vehicle Code, as amended by Chapter 851 of the Statutes of 1971, is amended to read:

11105. (a) The department shall issue a license certificate to each driving school licensee, to each driving school operator, and to each driving instructor, when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a period of one year from the date of issue unless canceled, suspended, or revoked by the department. The license may be renewed subject to the satisfactory completion of a new examination and otherwise subject to the requirements to qualify to operate a driving school as provided in Section 11102.

(b) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to

the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(c) Upon notification of death of a driving school licensee the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one-year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

CHAPTER 677

An act to repeal Article 3 (commencing with Section 5401) and Article 5 (commencing with Section 5501) of Chapter 4 of Division 6 of the Education Code, relating to courses of study.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 5401) of Chapter 4 of Division 6 of the Education Code is repealed.

SEC. 2. Article 5 (commencing with Section 5501) of Chapter 4 of Division 6 of the Education Code is repealed.

CHAPTER 678

An act to amend Section 72602 of the Government Code, relating to municipal courts.

[Approved by Governor August 10, 1972 Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	64
Santa Anita Municipal Court District	1
Alhambra Municipal Court District.....	3
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District.....	5
Beverly Hills Municipal Court District.....	3
Santa Monica Municipal Court District	3
Burbank Municipal Court District.....	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	4
Pomona Municipal Court District	3
South Gate Municipal Court District	1
Citrus Judicial District.....	4
Antelope Municipal Court District	1
Culver Municipal Court District	1
Newhall Municipal Court District	2

SEC. 2. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District.....	3
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San Antonio Municipal Court District 3
 East Los Angeles Municipal Court District 3
 Inglewood Municipal Court District..... 3
 South Bay Municipal Court District 3
 Compton Municipal Court District..... 3
 Downey Municipal Court District..... 2
 Los Angeles Municipal Court District 64
 Santa Anita Municipal Court District..... 1
 Alhambra Municipal Court District 3
 Los Cerritos Municipal Court District 2
 Long Beach Municipal Court District 5
 Beverly Hills Municipal Court District 3
 Santa Monica Municipal Court District 3
 Burbank Municipal Court District 2
 Glendale Municipal Court District 2
 Pasadena Municipal Court District..... 4
 El Monte Municipal Court District..... 4
 Pomona Municipal Court District 3
 South Gate Municipal Court District 1
 Citrus Judicial District 4
 Antelope Municipal Court District 1
 Culver Municipal Court District 1
 Newhall Municipal Court District..... 2

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2337 are both chaptered and amend Section 72602 of the Government Code, and this bill is chaptered after Assembly Bill No. 2337, that the amendments to Section 72602 proposed by both bills be given effect and incorporated in Section 72602 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2337 are both chaptered, both amend Section 72602, and Assembly Bill No. 2337 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 679

An act to amend Sections 4010.5, 4011.5, and 4011.6 of the Health and Safety Code, relating to water systems.

[Approved by Governor August 10, 1972 Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4010.5 of the Health and Safety Code is amended to read:

4010.5. "Waterworks standards," as used in this chapter, means

regulations adopted by the board which take cognizance of the latest available "Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use" adopted by the California Section of the American Water Works Association. The board shall publish the waterworks standards and make a copy thereof available upon request without charge to any person holding a permit under this chapter.

SEC. 2. Section 4011.5 of the Health and Safety Code is amended to read:

4011.5. No person shall modify, add to or change his source of supply or method of treatment of water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his source of supply or method of treatment as may be specified in such amended permit, or unless such modifications, additions, or changes in the source of supply or method of treatment comply in all particulars with the waterworks standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

SEC. 3. Section 4011.6 of the Health and Safety Code is amended to read:

4011.6. No person shall modify, add to or change his distribution system for water for domestic purposes as authorized by a valid existing permit issued to him by said board unless he first files a petition so to do with said board and receives an amended permit as provided in this chapter authorizing such modification, addition or change in his distribution system as may be specified in such amended permit, or unless such modifications, additions or changes in said distribution system comply in all particulars with the waterworks standards as pertain to the quality of water supplied to consumers. Petitions for amended permits shall be made in accordance with the provisions of this chapter for the making of a petition for a permit as herein defined and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as herein provided for the granting, issuing or denial of a permit as provided in this chapter.

CHAPTER 680

An act to amend Section 21953 of the Vehicle Code, relating to pedestrians.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21953 of the Vehicle Code is amended to read:

21953. Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, if a pedestrian tunnel or overhead crossing serves the place where the pedestrian is crossing the roadway, such pedestrian shall yield the right-of-way to all vehicles on the highway so near as to constitute an immediate hazard.

This section shall not be construed to mean that a marked crosswalk, with or without a signal device, cannot be installed where a pedestrian tunnel or overhead crossing exists.

CHAPTER 681

An act to add Section 7029.6 to the Business and Professions Code, relating to contractors.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7029.6 is added to the Business and Professions Code, to read:

7029.6. Every plumbing contractor licensed under this chapter shall have displayed on each side of each motor vehicle used in his business, for which a commercial vehicle registration fee has been paid pursuant to Article 3 (commencing with Section 9400) of Chapter 6 of Division 3 of the Vehicle Code, his name, his permanent business address, and his contractor's license number, all in letters not less than one and one-half (1½) inches high.

SEC. 2. The provisions of this act shall become operative July 1, 1973.

CHAPTER 682

An act to amend Section 35783 of the Agricultural Code, relating to milk.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 35783 of the Agricultural Code is amended to read:

35783. Market milk for pasteurization shall be cooled to 50 degrees Fahrenheit or below and shall be maintained in transit at not to exceed 52 degrees Fahrenheit. On or before January 1, 1972, all market milk dairies shall provide sufficient refrigeration capacity to reduce the temperature of the milk to 50 degrees Fahrenheit or below, as indicated by a recording thermometer, within one hour after completion of the first milking, or five hours after the beginning of milking, whichever is first, and to maintain it at such temperature until delivery. The director may promulgate regulations to provide for temporary deviations from the requirements of this section that may occur as a result of emergencies arising from equipment failure, or as a result of other unusual circumstances; provided, however, that the quality and safety of the product are not adversely affected.

CHAPTER 683

An act to add Section 422.5 to the Government Code, relating to the state reptile.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 422.5 is added to the Government Code, to read:

422.5. The California desert tortoise (*gopherus agassizi*) is the official state reptile.

CHAPTER 684

An act to amend Sections 73674 and 73677 of the Government Code, relating to municipal courts.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73674 of the Government Code is amended to read:

73674. The clerk may appoint: (a) one chief deputy clerk; (b) one municipal courtroom clerk; (c) one account clerk III; (d) three senior deputy clerks; (e) eight deputy clerks II or I as may be determined by the judge with the concurrence of the board of supervisors. Each of these employees shall receive the monthly salary specified in Section 73677 for his classification.

SEC. 2. Section 73677 of the Government Code is amended to read:

73677. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set in the salary schedule contained in Section 73676.

- (a) Deputy clerk I Range 22½
- (b) Deputy clerk II Range 23½
- (c) Senior deputy clerk Range 25½
- (d) Account clerk III..... Range 26½
- (e) Municipal courtroom clerk Range 27½
- (f) Chief deputy clerk..... Range 31
- (g) Clerk..... Range 37½

Each person employed on the effective date of this section in the office of the clerk, including the clerk, shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judge of the court determines that the officer or employee is entitled to receive it. Officers and employees shall be appointed at the first step for the range assigned to their classification except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is appointed, the judge may appoint such person at the second step of the range assigned to that classification.

In the case of the appointment of the clerk of the municipal court, the judge shall be authorized, if he deems it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 73676, and, provided further, that if the judge is unable to secure a qualified person to fulfill the position of clerk of the municipal court for a

salary as hereinabove provided, then the judge with the concurrence of the board of supervisors may establish a salary at a rate not to exceed one thousand one hundred dollars (\$1,100) monthly.

CHAPTER 685

An act to amend Sections 74843 and 74847 of the Government Code, relating to municipal courts.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 74843 of the Government Code is amended to read:

74843. The clerk may appoint:

- (a) One chief deputy clerk.
- (b) Two municipal courtroom clerks.
- (c) One account clerk III.
- (d) Three senior deputy clerks.
- (e) Eleven deputy clerks II or deputy clerks I as shall be determined by the judges with the concurrence of the board of supervisors.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification.

SEC. 2. Section 74847 of the Government Code is amended to read:

74847. Persons employed in any of the positions authorized by this article except the marshal shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74846:

- (a) Deputy clerk I Range 22½
- (b) Deputy clerk II Range 23½
- (c) Senior deputy clerk Range 25½
- (d) Account clerk III..... Range 26½
- (e) Municipal courtroom clerk..... Range 27½
- (f) Chief deputy clerk..... Range 31
- (g) Clerk..... Range 38½
- (h) Clerk II Range 21½
- (i) Deputy marshal—female Range 26½
- (j) Deputy marshal I..... Range 32
- (k) Deputy marshal II..... Range 33
- (l) Chief deputy marshal—
office supervisor..... Range 34

Each person employed in the office of the clerk and the office of

the marshal, including the clerk and the marshal, on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judges of the court determine that the officer or employee is entitled to receive it. The clerk, deputy clerks, and attachés of the court shall be appointed at the first step for the range assigned to their classification, except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judges may appoint such person at the second step of the range assigned to that classification. In the case of the appointment of the clerk of the municipal court, the judges shall be authorized, if they deem it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 74846, and, provided, further, that if the judges are unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judges with the concurrence of the board of supervisors may establish a salary at a rate not to exceed one thousand one hundred twenty-seven dollars (\$1,127) monthly.

CHAPTER 686

An act to amend Sections 6484 and 6497 of the Fish and Game Code, relating to mariculture.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6484 of the Fish and Game Code is amended to read:

6484. When a mariculture area is established pursuant to this article, only nonnative cultivated marine life in the culture area belong to the person establishing the culture area, and that person is entitled to the exclusive privilege of cultivating, maintaining, and harvesting nonnative marine life in the culture area. The commission may allow the exclusive privilege of cultivation and subsequent harvest of native marine life in a mariculture area if the commission determines that such cultivation and harvest would be in the best public interest. The provisions of this section apply only for the term of the license provided in Section 6480.

For the purpose of this section, "nonnative cultivated marine life" is that marine life which did not occur naturally in the biota of the area on January 1, 1971, as determined by the department.

SEC. 2. Section 6497 of the Fish and Game Code is amended to read:

6497. The leasing of state water bottoms shall in no way affect public access for recreational purposes to the state lands contained in the leased area, except that access to the area for recreational purposes shall be only in such a manner as to cause no damage to the area or the marine life cultured therein.

The commission may prohibit any recreational activity in any mariculture area if it determines that such activity is detrimental to the enhancement of the resource.

CHAPTER 687

An act to amend Sections 33126 and 34278 of the Health and Safety Code, relating to public agency personnel.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 33126 of the Health and Safety Code is amended to read:

33126. (a) An agency may select, appoint, and employ such permanent and temporary officers, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund. To the greatest extent feasible, the opportunities for training and employment arising from a redevelopment project planning and execution shall be given to lower income residents of the project area. The agency shall adopt personnel rules and regulations applicable to all employees. Such rules shall contain procedures affecting conflicts of interest, use of funds, personnel procedures on hiring and firing including removal of personnel for inefficiency, neglect of duties, or misconduct in office. Such rules and regulations shall be of public record.

(b) An agency may contract with the Department of Housing and Community Development, or any other agency, for the furnishing by the department, or agency, of any necessary staff services associated with or required by redevelopment and which could be performed by the staff of an agency.

SEC. 2. Section 34278 of the Health and Safety Code is amended to read:

34278. (a) An authority shall select from among its commissioners a vice chairman. It also may employ a secretary, who shall be executive director, technical experts, and such other officers,

agents, and employees as it requires, and shall determine their qualifications, duties, terms of employment and compensation. The authority shall adopt personnel rules and regulations applying to all employees. Such rules shall contain procedures affecting conflicts of interest, use of funds, personnel procedures on hiring and firing including removal of personnel for inefficiency, neglect of duties, or misconduct in office. Such rules and regulations shall be of public record.

(b) An authority may contract with the Department of Housing and Community Development, or any other authority, for the furnishing by the department or authority of any necessary staff services associated with or required by an authority and which could be performed by the staff of an authority.

CHAPTER 688

An act to amend Section 1 of Chapter 1718 of the Statutes of 1967, relating to Davis-Grunsky grants to the County of San Bernardino in connection with the Prado Regional Park Project.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1718 of the Statutes of 1967 is amended to read:

Section 1. The Department of Water Resources is hereby authorized to make grants to the County of San Bernardino, pursuant to the Davis-Grunsky Act (Chapter 5 ((commencing with Section 12880)), Part 6, Division 6, Water Code), of such total amount as may be determined by the department upon approval of an application therefor pursuant to the Davis-Grunsky Act, but not exceeding one million nine hundred fifty-eight thousand four hundred dollars (\$1,958,400) for fish and wildlife enhancement and recreational functions of the proposed Prado Regional Park Project as described in the application and report on feasibility filed with the Department of Water Resources on February 1, 1966, as amended by the supplemental report filed with the department on February 1, 1972.

No further legislative approval shall be required with respect to the grants authorized by this act; but the county shall comply with all other requirements of the Davis-Grunsky Act in effect on the date of such grant and shall demonstrate that the county holds adequate water rights or can acquire adequate supplemental water from outside the Santa Ana River watershed to operate the project.

CHAPTER 689

An act to amend Section 6103.8 of, and to repeal Section 6103.9 of, the Government Code, relating to fees.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6103.8 of the Government Code is amended to read:

6103.8. (a) Sections 6103 and 27383 do not apply to any fee or charge for recording full releases executed or recorded pursuant to Sections 4616 and 5003.7 of the Public Resources Code, and Sections 2194, 6758, 7873 8997, 10100, 11496, 12494, 14307, 14308, 16066, 16067, 30323 and 32362 of the Revenue and Taxation Code or required to be recorded pursuant to subdivision (d) of Section 675 of the Code of Civil Procedure, where there is full satisfaction of the amount due under the lien which is released.

(b) The fee for recording full releases listed in subdivision (a) shall be six dollars (\$6).

(c) In the case of releases required to be recorded pursuant to subdivision (d) of Section 675 of the Code of Civil Procedure, the recording agency shall be billed quarterly or, at the option of the agency, at more frequent intervals. All billing shall refer to the agency certificate number of the recorded releases.

(d) The fee for recording full releases for any document relating to an agreement to reimburse a county for public aid granted by the county shall be six dollars (\$6).

(e) The fee for filing any release of judgment which was in favor of a government agency and recorded pursuant to Section 6103 or 27383 shall be six dollars (\$6).

SEC. 2. Section 6103.9 of the Government Code is repealed.

CHAPTER 690

An act providing for the conveyance of Old Bale Mill Park by the County of Napa to the State of California for inclusion in the state park system.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The County of Napa may, upon request by the state, grant or quitclaim those certain lands and improvements thereon commonly known as the Old Bale Mill Park located in the County

of Napa to the State of California for inclusion in the state park system. Acceptance of the conveyance of such lands shall be subject to a finding by the Attorney General that title is satisfactory to the state. Upon the effective date of the conveyance, the subject lands shall constitute a unit of the state park system and shall be administered by the Department of Parks and Recreation in accordance with the laws applying thereto. The conveyance may be conditioned by the requirement that the subject lands be used by the state as a unit of the state park system and, if such condition is violated, that title to the subject lands will revert to and rest in the County of Napa.

CHAPTER 691

An act to amend Sections 69903, 69903.1, and 69903.2 of the Government Code, relating to courts.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, the superior court shall appoint an administrative officer, who shall hold office at the pleasure of the court, and shall act as secretary to the judges of the superior court and perform the duties of jury commissioner and shall exercise such other administrative duties as may be required of him by the court. The court shall fix the qualifications of the administrative officer and may delegate to him any administrative powers and duties as are now or may hereafter by law be vested in or required to be exercised by the court. The salary of the administrative officer shall be fixed by the court at not less than one thousand seven hundred fifty dollars (\$1,750) nor more than two thousand one hundred twenty-six dollars (\$2,126) per month.

In such a county the court and secretary may have to assist them in the performance of their duties the following employees:

(a) Two legal research assistants, who shall be members of the bar, who shall receive a salary of not less than four hundred dollars (\$400) nor more than one thousand two hundred dollars (\$1,200) a month.

(b) One senior administrative assistant-deputy jury commissioner, who shall receive a salary of not less than nine hundred five dollars (\$905) nor more than one thousand one hundred dollars (\$1,100) a month.

(c) One administrative assistant-deputy jury commissioner, who

shall receive a salary of not less than seven hundred sixty-three dollars (\$763) nor more than nine hundred twenty-seven dollars (\$927) a month.

(d) One senior clerk-deputy jury commissioner, who shall receive a salary of not less than six hundred thirteen dollars (\$613) nor more than seven hundred forty-five dollars (\$745) a month.

(e) Five secretary-deputy jury commissioners, who shall receive a salary of not less than five hundred fifty-six dollars (\$556) nor more than six hundred seventy-six dollars (\$676) a month.

(f) Three clerks, who shall receive a salary of not less than five hundred five dollars (\$505) nor more than six hundred thirteen dollars (\$613) a month.

(g) One jury payroll and assembly room supervisor-deputy jury commissioner who shall receive a salary of not less than six hundred thirteen dollars (\$613) nor more than seven hundred forty-five dollars (\$745) a month.

(h) One senior calendar clerk-deputy jury commissioner, who shall receive a salary of not less than six hundred forty-four dollars (\$644) nor more than seven hundred eighty-two dollars (\$782) a month.

Such employees shall be appointed by the secretary with the approval of a majority of the judges of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary and other employees of the superior court shall be paid by the county in which they serve.

SEC. 2. Section 69903.1 of the Government Code is amended to read:

69903.1. In such county the superior court may appoint, with the approval of the board of supervisors, the following persons to assist the conciliation court in disposing of its business and carrying out its functions:

(a) One supervising conciliation counselor, who shall receive a salary of not less than one thousand one hundred fifty-five dollars (\$1,155) nor more than one thousand four hundred five dollars (\$1,405) a month,

(b) Four deputy conciliation counselors, who shall receive a salary of not less than seven hundred fifty dollars (\$750) nor more than one thousand one hundred dollars (\$1,100) a month, and

(c) Five clerical positions which shall be in the classified civil service.

All such conciliation counselors shall be appointed by a majority of the judges with the approval of the board of supervisors, salaries to be set within the established ranges by the board of supervisors. Salaries of such clerical positions to be set by the board of supervisors within the salary range set forth in the civil service standards of said county.

SEC. 3. Section 69903.2 of the Government Code is amended to read:

69903.2. Notwithstanding any other provision of this article, whenever higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of clerk, secretary-deputy jury commissioner, jury payroll and assembly room supervisor-deputy jury commissioner, administrative assistant-deputy jury commissioner, senior administrative assistant-deputy jury commissioner, supervising conciliation counselor, senior clerk-deputy jury commissioner, senior calendar clerk-deputy jury commissioner, deputy conciliation counselor, and jury commissioner specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

CHAPTER 692

An act to amend Section 5352 of the Welfare and Institutions Code, relating to conservatorship.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5352 of the Welfare and Institutions Code is amended to read:

5352. When the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment determines that a person in his care is gravely disabled as a result of mental disorder or impairment by chronic alcoholism and is unwilling to accept, or incapable of accepting, treatment voluntarily, he may recommend conservatorship to the officer providing conservatorship investigation of the county of residence of the person prior to his admission as a patient in such facility.

The professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment may recommend conservatorship for a person without the person being an inpatient in such facility, if both of the following conditions are met: (a) the professional person or another professional person designated by him has examined and evaluated the person and determined that he is gravely disabled; (b) the professional person or another professional person designated by him has determined that future examination on an inpatient basis is not necessary for a determination that the person is gravely disabled.

If the officer providing conservatorship investigation concurs with the recommendation, he shall petition the superior court in the

county of residence of the patient, pursuant to Probate Code Sections 1754 and 2051, to establish conservatorship.

Where temporary conservatorship is indicated, the fact shall be alternatively pleaded in the petition filed under Probate Code Section 1754. The officer providing conservatorship investigation or other county officer or employee designated by the county shall act as the temporary conservator.

The procedure for the establishment of conservatorship shall be pursuant to Probate Code Section 1751.

CHAPTER 693

An act to add Section 5704.4 to the Welfare and Institutions Code, relating to mental health services.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 5704.4 is added to the Welfare and Institutions Code, to read:

5704.4. Services for children may be developed without regard to the order of priority established under Section 5704.

CHAPTER 694

An act to amend and renumber Section 5620 of the Welfare and Institutions Code, as added by Chapter 1609 of the Statutes of 1971, relating to Short-Doyle Act.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 5620 of the Welfare and Institutions Code, as added by Chapter 1609 of the Statutes of 1971, is amended and renumbered to read:

5622. Prior to the release from a community treatment facility or state hospital of a voluntary or involuntary patient who has been treated therein pursuant to a county Short-Doyle plan, the local mental health director of the patient's county of residence shall provide a written plan for such aftercare services as the patient may need and agree to, upon release from the community treatment facility or state hospital. The local mental health director may request the community treatment facility or state hospital to prepare such a written plan.

CHAPTER 695

An act to add Section 13143.7 to the Health and Safety Code, relating to fire protection.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13143.7 is added to the Health and Safety Code, to read:

13143.7. It is the legislative intention that the provisions of Section 13143.6 and the regulations and standards adopted by the State Fire Marshal pursuant to Section 13143.6 shall apply uniformly throughout the State of California and no county, city, city and county, or district shall adopt or enforce any ordinance or local rule or regulation relating to fire and panic safety in buildings or structures used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency.

CHAPTER 696

An act to amend Sections 5714 and 14021 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5714 of the Welfare and Institutions Code is amended to read:

5714. Of the funds allocated to each county in accordance with Sections 5704 to 5708, inclusive, there shall be reimbursed to each county 90 percent of the amount required by that county to carry out its local mental health activity in accordance with the approved county Short-Doyle plan required by Chapter 2 (commencing with Section 5650) of this part. So much of each county allocation as is required to care for patients in state hospitals shall be retained by the state and used to support such hospitals. During fiscal year 1969-70 such reimbursement shall be for three-month periods, commencing with the July, August, and September of that year. During fiscal year

1970-71, such reimbursement shall be for two-month periods commencing with the July-August period of that year. During fiscal year 1971-72, and thereafter, such reimbursement shall be for one-month periods.

Claims for reimbursement shall be presented within 30 days after the close of the period for which such reimbursement is sought.

At the request of a local mental health director, the department may allow the claim for any reimbursement period to be presented within 60 days after the close of the period for which reimbursement is sought if this department finds that the presenting of the claim within the 30 days after the close of such period would create a hardship on the county.

SEC. 2. Section 14021 of the Welfare and Institutions Code is amended to read:

14021. Notwithstanding any other provision of this chapter health care shall include the following mental health services:

- (a) Mental health services provided by a county;
- (b) Mental health services provided in a Short-Doyle community mental health service or in a community mental health center organized under the Federal Community Mental Health Centers Act of 1963. No amount shall be paid for that portion of the total costs of care and services in a federally funded community mental health center which may be compensated by the United States government under the Community Mental Health Centers Act of 1963. No amount shall be paid to a Short-Doyle community mental health service or a federally funded community mental health center unless the Short-Doyle community mental health service or the federally funded community mental health center participates in a county mental health plan;
- (c) Inpatient hospital services in an institution for mental diseases to persons of all ages, provided that the institution for mental diseases is certified as a psychiatric hospital under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Notwithstanding Section 14157, no money in the State Health Care Deposit Fund shall be expended for the purposes of this section unless the Legislature specifically appropriates money for the purposes of this section.

The amendment of this subdivision enacted at the 1972 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 697

An act to amend Section 21155 of the Government Code, relating to retirement.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21155 of the Government Code as amended by Chapter 1289 of the Statutes of 1971 is amended to read:

21155. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system as a member of the academic staff of California Community College, a state college or of the University of California; provided, that such service shall not exceed 90 working days in any fiscal year, and the compensation payable to such person for such service shall not exceed four thousand dollars (\$4,000) in that fiscal year.

 CHAPTER 698

An act to add Section 2949 to the Civil Code, relating to real property.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2949 is added to the Civil Code, to read:

2949. (a) No mortgage or deed of trust on real property containing only a single-family, owner-occupied dwelling may be declared in default, nor may the maturity date of the indebtedness secured thereby be accelerated, solely by reason of the owner further encumbering the real property or any portion thereof, with a junior mortgage or junior deed of trust.

(b) As used in this section, "single-family, owner-occupied dwelling" means a dwelling which will be owned and occupied by a signatory to the mortgage or deed of trust secured by such dwelling within 90 days of the execution of such mortgage or deed of trust.

SEC. 2. This section shall only apply to obligations entered into on or after the effective date of this section.

Any waiver of the provisions of this section shall be void as contrary to public policy.

SEC. 3. This act shall not be deemed to limit or restrict the scope of *LaSala v. American Savings & Loan Assoc.* (1971), 5 Cal. 3d 864.

CHAPTER 699

An act making an appropriation to pay the claim of Mary Ann Hampson, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred thousand dollars (\$300,000) is hereby appropriated from the General Fund to the Department of Justice for settlement of the claim of Mary Ann Hampson against the State of California.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to settle, out of court, an action against the state for personal injury, thereby terminating a lengthy court procedure and ending a hardship to the injured person as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 700

An act to add Section 19653 to the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 19653 is added to the Education Code, to read:

19653. Notwithstanding any other provision of this chapter, where an election is or has been held after April 1, 1972, in two elementary districts for the purpose of forming a new elementary district from the territories of such districts, which reorganization would become effective for all purposes on July 1, 1973, and where one of said districts has prior to April 1, 1972, voted to accept, expend, and repay apportionments under this chapter but no such apportionments pursuant to such authorization had been made to said district as of April 1, 1972, the consent of the electors in said districts to the reorganization shall be deemed to constitute a consent on behalf of the newly formed district to accept, expend, and repay apportionments under this chapter to the extent that the

former authorization for apportionments had not been utilized.

Further, the ballot for the election held for the purpose of forming the new elementary school district shall contain a statement to the effect that approval of reorganization shall be deemed to constitute a consent on behalf of the newly formed district to accept, expend, and repay apportionments under this chapter to the extent that the former authorization for apportionments has not been utilized.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the apportionments of state school building aid which this act authorizes may be made without undue delay and in order that the construction of urgently needed school facilities may be commenced upon at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 701

An act to add Division 29 (commencing with Section 45000) to the Education Code, relating to adult education.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Division 29 (commencing with Section 45000) is added to the Education Code, to read:

DIVISION 29. ADULT EDUCATION

CHAPTER 1. INTENT

45000. The Legislature finds and declares that adult continuing education is essential to the needs of society in an era of rapid technological, economic, and social change and that all adults in California are entitled to quality publicly supported continuing education opportunities.

It is further the intent of the Legislature to fund adequately adult continuing education.

CHAPTER 2. DEFINITIONS

45020. Unless the context clearly requires otherwise, the definitions set forth in this chapter govern the construction of this division.

45021. "Adult basic education" is education in communication

and computational skills to and including the 12th grade level, including English as a second language and citizenship.

45022. "Adult continuing education" is the education of persons enrolled in classes for adults in high school, unified, and community college districts.

45023. "Classes for adults" are classes without a college grade level designation organized primarily for persons 18 years of age or older.

45024. "Course approval" is the process of approval by either the Department of Education or the chancellor's office of the California Community Colleges.

45025. "Graded college classes" are classes which comply with the standards set forth in Sections 55000 to 55002, inclusive, of Title 5 of the California Administrative Code as it reads on the effective date of this division.

45026. "Mutual agreement" means an agreement between two or more governing boards of school districts.

CHAPTER 3. DELINEATION OF FUNCTIONS IN ADULT CONTINUING EDUCATION PROGRAMS

45040. Adult basic education is the responsibility of high school and unified school districts except in those instances where by mutual agreement the responsibility is assigned to a community college district.

45041. The high school diploma program is the responsibility of the high school and unified school districts, but courses leading to a high school diploma may be offered by a community college district pursuant to a mutual agreement.

45042. Vocational and occupational training and retraining programs for adults may be made available in high school, unified, and community college districts by mutual agreement.

45043. Adult continuing education, including but not limited to, parent education, consumer education, civic education, education in special fields, and education in the arts and the humanities, may be made available in high school, unified, and community college districts by mutual agreement.

45044. Programs for adults involving 13th and 14th grade level course content are the responsibility of community college districts.

45045. When governing boards agree to transfer an existing program, up to two years shall be allowed for such a transfer in order to permit all legal and contractual obligations to be met and an orderly transfer to be made.

45046. The governing board of every school district affected by this chapter shall make all reasonable efforts to reach a mutual agreement when such an agreement is required and shall develop procedures for this purpose.

45047. If a mutual agreement cannot be reached by the district governing boards, the points of disagreement shall be resolved by the

State Board of Education and the Board of Governors of the California Community Colleges.

CHAPTER 4. AREA ADULT CONTINUING EDUCATION
COORDINATING COUNCILS

45060. There shall be an Area Adult Continuing Education Coordinating Council in all areas of the state which consist of at least one community college and one adult high school which serve the same geographical area.

45061. Each Area Adult Continuing Education Coordinating Council shall meet and review adult continuing education plans and offerings delineated under Education Code Sections 45040, 45041, 45042, 45043, 45044, and 45045 and make necessary recommendations to the respective boards, in order to eliminate unnecessary duplication of offerings and to recommend the appropriate level of instruction for new offerings.

45062. Each Area Adult Continuing Education Coordinating Council shall be composed of representatives of the high school, unified, and community college districts involved, and shall be appointed by the governing board of the district which they represent. Appointments to, and the functioning of, such councils shall be in accordance with guidelines jointly promulgated by the State Board of Education and the Board of Governors of the California Community Colleges.

45063. Area Adult Continuing Education Coordinating Councils shall meet on a regular basis and no less than once every three months.

45064. Each Area Adult Continuing Education Coordinating Council shall annually file on or before June 30 a report of its activities with the State Board of Education, the Board of Governors of the California Community Colleges, and affected district governing boards. The report shall include those specific areas where mutual agreement cannot be reached. The respective state boards shall jointly resolve disagreement within a period of six months after the filing date of the report and notify the respective district governing boards of their decision.

45065. This chapter shall not be interpreted to require the dissolution of any area coordinating council which is in existence on the effective date of this chapter.

CHAPTER 702

An act to amend Section 18102.11 of, as added by Chapter 1562 of the Statutes of 1970, to amend Section 18102.12 of, and to repeal Section 18102.11 of, as added by Chapter 1543 of the Statutes of 1970, the Education Code, relating to mentally retarded minors.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 18102.11 of the Education Code, as added by Chapter 1543 of the Statutes of 1970, is repealed.

SEC. 2. Section 18102.11 of the Education Code, as added by Chapter 1562 of the Statutes of 1970, is amended to read:

18102.11. In lieu of the allowances provided under Sections 18102 to 18102.9, inclusive, for mentally retarded minors and severely mentally retarded minors, with respect to such pupils reevaluated and reexamined and determined to have the mental capacity for regular school enrollment, but in addition to allowances provided for foundation program support, the Superintendent of Public Instruction shall grant, from the moneys allocated by subdivision (c) of Section 17303.5, an allowance to school districts and county superintendents of schools providing supplemental education programs to facilitate the return to the regular school program of mentally retarded minors and severely mentally retarded minors who have been in special day classes, but who, upon being reevaluated or reexamined, are determined to have the mental capacity for regular school enrollment.

The allowance shall be an amount equal to the allowance computed pursuant to Section 18102.2, and Section 18102.8, if applicable. The allowance shall be granted for not more than the two next succeeding fiscal years, following the retesting under the direction of the Department of Education.

The allowance shall be granted for each of the two next succeeding fiscal years, following the reevaluation or reexamination.

Commencing with the 1972-1973 fiscal year, the Superintendent of Public Instruction shall not allow to all school districts and county superintendents of schools authorized to conduct supplemental programs more than a total of six million two hundred thousand dollars (\$6,200,000) per fiscal year for the total state support for such programs.

Whenever a school district or county superintendent of schools or the Superintendent of Public Instruction determines that an eligible student has made satisfactory academic progress so that he may be integrated into the regular school program, the district shall be ineligible for further support for such student pursuant to this article and the district's apportionment shall be likewise reduced.

The State Board of Education shall adopt rules and regulations for

the operation of programs conducted pursuant to this section. Such rules and regulations shall include, but are not limited to, criteria for program approval, specifications for individual pupil objectives, and provisions for program evaluation.

It is the intent of the Legislature that the assistance provided through the supplemental education authorized to facilitate the return to the regular school program of those mentally retarded minors affected by Chapter 78 of the Statutes of 1971 will have been achieved by July 1, 1974, and therefore this section shall remain operative only until July 1, 1974, and as of that date is repealed.

SEC. 3. Section 18102.12 of the Education Code is amended to read:

18102.12. Beginning with the 1970-1971 fiscal year, for each special educational program for which an allowance is provided under Section 18102.11, each school district and each county superintendent of schools maintaining such program shall report annually to the Superintendent of Public Instruction, on forms he shall provide, all expenditures and income related to each such program. The Superintendent of Public Instruction shall conduct a fiscal and program audit of a representative sampling of districts conducting such programs during the 1973-1974 fiscal year.

If the Superintendent of Public Instruction, in consultation with the Director of Special Education, determines that the current expense of operating a special program does not equal or exceed the total of basic state aid and state equalization aid provided for support of the regular foundation program per unit of average daily attendance and the allowance provided under Section 18102.11, and any amount of local tax funds contributed toward the support of the foundation programs for each pupil in average daily attendance in the special program, then the amount of such deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

This section shall not be operative on or after July 1, 1974.

CHAPTER 703

An act to add Section 36004 to the Agricultural Code, relating to milk and milk products.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 36004 is added to the Agricultural Code, to read:

36004. (a) At the time of sale to the consumer by a retail store of any product designated in this section there shall appear upon the package or container of such product the date established by the processor as the date upon which, in order to insure quality, such product is normally removed from the shelf or similar location from which the product is offered for sale to the consumer.

(b) This section applies to the following products:

(1) Market milk.

(2) Market cream.

(3) Any milk product which is required by any provision of this code, or by any regulation adopted by the director pursuant thereto, to be made from market milk or any component or derivative of market milk.

(4) Buttermilk and cultured buttermilk.

(5) Cottage cheese, creamed cottage cheese, homogenized creamed cottage cheese spread, and partially creamed cottage cheese.

(6) Sour cream dressing.

(c) This section does not apply to any milk or milk products processed, packaged, and sold by distributors directly to consumers.

(d) This section does not apply to any bulk shipments of milk or milk products between distributors.

(e) The director shall, in compliance with applicable provisions of this code and Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and after public hearing or hearings, adopt regulations pertaining to (1) responsibility for affixing to packages or other containers the quality assurance date provided for in this section; (2) the manner, style, form, and place of affixation of such date to packages and other containers in a conspicuous place in a form which is readily seen and easily understood by the buyer; and (3) the administration and enforcement of the requirements of this section.

CHAPTER 704

An act to amend Section 10470.1 of the Business and Professions Code, relating to real estate.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10470.1 of the Business and Professions Code is amended to read:

10470.1. If the balance remaining in the Real Estate Education,

Research and Recovery Fund and allocated for purposes other than real estate education and research contains more than four hundred thousand dollars (\$400,000) the Real Estate Commissioner may authorize the transfer of all or part of such surplus amount to the Real Estate Fund.

The Real Estate Commissioner may authorize the return to the Real Estate Education, Research and Recovery Fund for recovery purposes of all or part of any amount previously transferred to the Real Estate Fund under the provisions of this section.

CHAPTER 705

An act to amend Section 6319 of, and to add Section 6321 to, the Labor Code, relating to workmen's safety.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6319 of the Labor Code is amended to read:
6319. Except as provided in Section 6321, no officer or employee of the division shall divulge to any person not connected with the administration of this part any information that is confidential pursuant to the provisions of Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code concerning the failure to keep any place of employment safe or concerning the violation of any order, rule, or regulation issued by the board or division. Violation of this section is a misdemeanor.

SEC. 2. Section 6321 is added to the Labor Code, to read:

6321. The division shall transmit to the registrar of contractors copies of any reports made in any investigation conducted pursuant to Section 6313 involving a contractor licensed by the registrar of contractors.

SEC. 3. Section 6319 of the Labor Code is amended to read:

6319. Except as provided in Section 6321, no officer or employee of the division shall divulge to any person not connected with the administration of this part any information that is confidential pursuant to the provisions of Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code concerning the failure to keep any place of employment safe or concerning the violation of any order, rule, or regulation issued by the board or division. However, the division or its officers or employees shall transmit in letter form to the complaining party, or his representative, and the employer, advice as to the time the onsite inspection was made, a clear description of the unsafe conditions found, the nature of the requirements imposed to render the employment condition safe, and the time given to comply therewith,

excepting therefrom confidential information and trade secrets. Violation of this section is a misdemeanor.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 874 are both chaptered and amend Section 6319 of the Labor Code, and this bill is chaptered after Assembly Bill No. 874, that the amendments to Section 6319 proposed by both bills be given effect and incorporated in Section 6319 of the Labor Code in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 874 are both chaptered, both amend Section 6319 of the Labor Code, and Assembly Bill No. 874 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 706

An act to amend Sections 11526.1, 11535, 11540 and 11540.1 of, and to add Sections 11538.1, 11538.2 and 11538.3 to, the Business and Professions Code, relating to subdivisions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11526.1 of the Business and Professions Code is amended to read:

11526.1. No city or county shall approve a final subdivision map for any land project, as defined in Section 11000.5, unless:

(a) The city or county has adopted a specific plan covering the area proposed to be included within the land project.

(b) The city or county finds that the proposed land project, together with the provisions for its design and improvement, is consistent with the specific plan for the area.

This section shall apply to land projects for which tentative maps were approved on or after the effective date of Chapter 763, Statutes of the 1969 Regular Session.

SEC. 2. Section 11535 of the Business and Professions Code as amended by Chapter 1446 of the Statutes of 1971 is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases. Property shall

be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinances.

(d) In any case provided in subdivisions (c) (1), (c) (2), and (c) (3) of this section, and in any case provided in subdivision (b) or subdivision (c) (4) of this section unless waived by local ordinance as provided in this section, a parcel map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area, improvement and design, flood and water drainage control, and as to all requirements of this section.

The approved parcel map showing each new parcel shall be filed with the recorder of the county in which the land is located prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation.

In any case provided in subdivision (b) or subdivision (c) (4) of this section a local agency may, by ordinance, provide a procedure for waiving the requirement, imposed by this subdivision, that a parcel map be submitted to the governing body or advisory agency for approval. In the event that such a waiver provision is provided by local ordinance, the ordinance shall require a finding, by the governing body or advisory agency, that the proposed division of land complies with requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability,

environmental protection, and other requirements of this chapter and local ordinances, which are applicable to division of land pursuant to subdivision (b) or subdivision (c) (4).

In any case provided in subdivision (b) or subdivision (c) of this section a local ordinance may require the submission and approval of a tentative map prior to the approval of a parcel map. When a tentative map is required, the parcel map shall be filed within one year after the approval of the tentative map. Upon application, an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

In any case where submission of a parcel map is waived by local ordinance pursuant to the provisions of this subdivision, submission and approval of a tentative map may continue to be required by local ordinance.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 2. Section 11538.1 is added to the Business and Professions Code, to read:

11538.1. No city or county shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this chapter or of the provisions of local ordinances enacted pursuant to this chapter if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

If a city or a county issues a permit or grants approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

SEC. 3. Section 11538.2 is added to the Business and Professions Code, to read:

11538.2. Whenever a city or a county has knowledge that real property has been divided in violation of the provisions of this

chapter or of local ordinances enacted pursuant to this chapter it shall cause to be filed for record with the recorder of the county in which the real property is located, a notice of violation, describing the real property in detail, naming the owners thereof, and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

SEC. 4. Section 11538.3 is added to the Business and Professions Code, to read:

11538.3. (a) Any person owning real property may request, and a city or a county shall determine, whether such real property complies with the provisions of this chapter and of local ordinances enacted pursuant thereto. Upon making such a determination the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this chapter and of local ordinances enacted pursuant thereto. The city or the county may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If a city or county determines that such real property does not comply with the provisions of the chapter or of local ordinances enacted pursuant thereto, it may, as a condition of granting a certificate of compliance, impose any of the conditions permitted under Section 11538.1. Such conditions may be fulfilled and implemented by the property owner who has applied for a certificate of compliance pursuant to this section or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant property owner or the grantee, the certificate of compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new application for a certificate of compliance pursuant to this section, and the city or county may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.

(c) A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 11538.1.

(d) A recorded final subdivision map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

SEC. 5. Section 11540 of the Business and Professions Code is amended to read:

11540. (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this chapter, or of the provisions of local ordinances enacted pursuant to this chapter, is voidable at the sole option of the grantee, buyer or person

contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of this chapter or of local ordinances enacted pursuant to the provisions of this chapter, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

(b) Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this chapter or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this chapter or of local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 11538.3 or identified in a recorded final subdivision map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

SEC. 6. Section 11540.1 of the Business and Professions Code is amended to read:

11540.1. Nothing in this chapter prevents the governing body of any municipality or county from regulating the division of land which is not a subdivision, provided that such regulations are not more restrictive than the requirements for a subdivision. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. The validity of any conveyance, as defined in Section 1215 of the Civil Code, made with respect to any such land which has been divided, or which has resulted from a division, in violation of the provisions of this chapter or local ordinances enacted pursuant thereto shall not be affected except that any deed of conveyance, sale or contract to sell such land is voidable, and damages may be sought, to the extent and in the same manner provided in Section 11540.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1446 of the Statutes of 1971 imposes new duties upon

subdividers who were previously exempted from the provisions of the Subdivision Map Act, including in some cases those making minor divisions of land. In order to permit local governments to waive map requirements in the cases where such requirements are considered unnecessary, this act must take effect immediately.

CHAPTER 707

An act to permit late applications for replacement funds for revenues formerly derived from the taxation of motion pictures, and making an appropriation therefor.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of subdivision (d) of Section 16102 of the Government Code, any local taxing authority may apply for replacement revenues pursuant to such section for the 1971-1972 fiscal year on or before the 100th day following final adjournment of the 1972 Regular Session of the Legislature, and the Controller shall pay all such claims within 45 days after receipt of the application.

SEC. 2. There is hereby appropriated to the Controller from the State General Fund a sum sufficient to pay the subventions required by Section 1 of this act.

CHAPTER 708

An act to amend Sections 682, 685, 687, 688, 689, 692, 693, and 695 of the Streets and Highways Code, relating to franchises on state highways.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 682 of the Streets and Highways Code is amended to read:

682. Every city and county shall have power to grant franchises authorizing the exercise of any privilege in, along, across, under, through, over, and upon any state highway, or portion thereof, within its boundaries to the extent and in the manner that it shall have power to grant franchises authorizing the exercise of such privilege in, over, and upon city streets, or county highways, as the

case may be, subject to the conditions and limitations provided in Sections 682 to 695, inclusive.

SEC. 2. Section 685 of the Streets and Highways Code is amended to read:

685. In case a franchise is granted for the exercise of a privilege in a city street or county highway, approval of the department shall not be required in respect to intersections. Franchises may be granted extending across the common area of the intersection without any such approval. In cases where the grades of the state highway and the city street or county highway are separated, the franchise shall be exercised only on the city street or county highway.

SEC. 3. Section 687 of the Streets and Highways Code is amended to read:

687. Franchises may be granted under this article separately as to any state highway, or portion thereof, or in respect to both state highways, or portions thereof, and city streets or county highways.

SEC. 4. Section 688 of the Streets and Highways Code is amended to read:

688. In cases in which the approval of the department is not required, the city or county shall give notice to the department of any application for a franchise affecting a state highway at the time of the filing of such application by any applicant, so that the department may present to the legislative body of the city or county, as the case may be, any considerations by it deemed to be important. Such notice shall be given to the appropriate district engineer of the Division of Highways.

SEC. 5. Section 689 of the Streets and Highways Code is amended to read:

689. No privilege shall be exercised in any state highway pursuant to any franchise granted under this article until a copy of such franchise, certified by the clerk of the grantor city or county, has been filed with the department. This may be filed with the district engineer.

SEC. 6. Section 692 of the Streets and Highways Code is amended to read:

692. Independently of or jointly with the grantor city or county, the department may enforce any obligation imposed by any franchise granted pursuant to Section 682 relating to the construction, reconstruction, improvement, repair, or maintenance of any state highway or portion thereof.

SEC. 7. Section 693 of the Streets and Highways Code is amended to read:

693. All sums payable by the grantee under any such franchise shall be paid to the grantor city or county.

SEC. 8. Section 695 of the Streets and Highways Code is amended to read:

695. Failure of the department to act upon any application for approval under Sections 683 or 684 within 90 days after the filing of such application with the department shall be deemed to constitute

approval thereof. The time herein prescribed may be extended with the consent of the grantor city or county.

CHAPTER 709

An act to amend Sections 31468 and 31840.1 of, and to add Section 31557.1 to, the Government Code, and to amend Section 14000.2 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 31468 of the Government Code is amended to read:

31468. (a) "District" means a district, formed under the laws of the state, located wholly or partially within the county other than a school district.

(b) "District" also includes any institution operated by two or more counties, in one of which there has been adopted an ordinance placing this chapter in operation.

(c) "District" also includes any organization or association authorized by Chapter 26, Statutes of 1935, as amended by Chapter 30, Statutes of 1941, or by Section 50024 of this code, which organization or association is maintained and supported entirely from funds derived from counties, and the board of any retirement system is authorized to receive the officers and employees of such organization or association into the retirement system managed by the board.

(d) "District" also includes, but is not limited to, any sanitary district formed under Part 1 (commencing at Section 6400), Division 6 of the Health and Safety Code.

(e) "District" also includes any city, public authority, public agency, and any other political subdivision or public corporation formed or created under the Constitution or laws of this state and located or having jurisdiction wholly or partially within the county.

(f) "District" also includes any nonprofit corporation or association conducting an agricultural fair for the county pursuant to a contract between the corporation or association and the board of supervisors under the authority of Section 25905 of the Government Code.

(g) "District" also includes the Regents of the University of California, but with respect only to employees who were employees of a county in a county hospital, who became university employees pursuant to an agreement for transfer to the regents of such hospital, and who under such agreement had the right and did elect to continue membership in the county's retirement system established

under this chapter.

SEC. 2. Section 31557.1 is added to the Government Code, to read:

31557.1. Officers and employees of a district as defined in subdivision (g) of Section 31468, become members on the date specified in the agreement between the regents and the board of supervisors relating to the transfer to the regents of the hospital in which they are employed. Notwithstanding Section 31564, if such agreement so provides, such employees shall cease to be members on the date of a referendum relating to coverage of such members under the Federal Old Age, Survivors, Disability, and Health Insurance Program in which less than a majority of such eligible employees voted in favor of such coverage.

SEC. 3. Section 31840.1 of the Government Code is amended to read:

31840.1. The provisions of this article extending rights to a member of a county retirement system established under this chapter or subjecting him to any limitation, by reason of his membership in the Public Employees' Retirement System, shall apply in like manner and under like conditions to said member by reason of his membership in any retirement system maintained by the Regents of the University of California, provided said member enters any retirement system maintained by said regents pursuant to an agreement made on or after January 1, 1965, between said regents and a county making provision for the operation by said regents of all or any part of the hospital facilities of that county or the transfer of title to such a hospital to the regents and for reciprocal university retirement system rights and limitations substantially comparable to those prescribed by this article.

SEC. 4. Section 14000.2 of the Welfare and Institutions Code is amended to read:

14000.2. During the time this chapter is effective and notwithstanding other provisions of the Welfare and Institutions Code and Health and Safety Code, the board of supervisors of each county may prescribe rules which authorize the county hospital to integrate its services with those of other hospitals into a system of community service which offers free choice of hospitals to those requiring hospital care. The intent of this section is to eliminate discrimination or segregation based on economic disability so that the county hospital and other hospitals in the community share in providing services to paying patients and to those who qualify for care in public medical care programs. In prescribing rules under which the county hospital may provide community hospital services described in this section, the board of supervisors shall provide a basis under which patients may be attended by their own personal physicians who are professionally qualified for staff membership in the county hospital.

Notwithstanding any other provisions of law or provisions contained in a county charter, the board of supervisors of any county

may transfer the maintenance, operation and management or ownership of the county hospital to the University of California or any other public agency or community nonprofit corporation empowered to operate a hospital facility upon a finding that the community services provided by the hospital could be more efficiently, effectively or economically provided by the transferee than the county. If such transfer be made to the University of California or to any other public agency empowered to operate a hospital facility the transfer of control or ownership may be made with or without the payment of a purchase price by the transferee and otherwise upon such terms and conditions as the parties may mutually agree, but if the transfer be to a community nonprofit corporation, the board of supervisors shall comply with all other provisions of law relating to the sale, lease, or transfer of public property by a county; and provided that in any event the transaction shall include such terms and conditions as the board of supervisors find necessary to insure that the transfer will constitute an ongoing material benefit to the county and its residents.

The intent of this section is to permit the implementation of programs for the consolidation of public hospital services in order to permit the more effective use of existing hospital facilities and retard the spiraling costs of medical care.

SEC. 5. Section 14000.2 is added to the Welfare and Institutions Code, to read:

14000.2. During the time this chapter is effective and notwithstanding other provisions of the Welfare and Institutions Code and Health and Safety Code, the board of supervisors of each county may prescribe rules which authorize the county hospital to integrate its services with those of other hospitals into a system of community service which offers free choice of hospitals to those requiring hospital care. The intent of this section is to eliminate discrimination or segregation based on economic disability so that the county hospital and other hospitals in the community share in providing services to paying patients and to those who qualify for care in public medical care programs. In prescribing rules under which the county hospital may provide community hospital services described in this section, the board of supervisors shall provide a basis under which patients may be attended by their own personal physicians who are professionally qualified for staff membership in the county hospital.

Notwithstanding any other provisions of law or provisions contained in a county charter, the board of supervisors of any county may transfer the maintenance, operation and management or ownership of the county hospital to the University of California or any other public agency or community nonprofit corporation empowered to operate a hospital facility upon a finding that the community services provided by the hospital could be more efficiently, effectively or economically provided by the transferee than the county. If such transfer be made to the University of

California or to any other public agency empowered to operate a hospital facility the transfer of control or ownership may be made with or without the payment of a purchase price by the transferee and otherwise upon such terms and conditions as the parties may mutually agree, but if the transfer be to a community nonprofit corporation, the board of supervisors shall comply with all other provisions of law relating to the sale, lease, or transfer of public property by a county; and provided that in any event the transaction shall include such terms and conditions as the board of supervisors find necessary to insure that the transfer will constitute an ongoing material benefit to the county and its residents.

The intent of this section is to permit the implementation of programs for the consolidation of public hospital services in order to permit the more effective use of existing hospital facilities and retard the spiraling costs of medical care.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 1425 are both chaptered and add Section 14000.2 to the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 1425, that the added Section 14000.2 proposed by both bills be given effect and incorporated in Section 14000.2 in the form set forth in Section 5 of this act. Therefore, Section 5 of this act shall become operative only if this bill and Senate Bill No. 1425 are both chaptered, both add Section 14000.2, and Senate Bill No. 1425 is chaptered before this bill, in which case Section 4 of this act shall not become operative.

CHAPTER 710

An act to amend Sections 23802 and 23805 of the Education Code, relating to state universities and colleges.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23802 of the Education Code is amended to read:

23802. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. All unexpended funds and money collected on behalf of or by student body organizations, except funds and money collected from commercial services as provided in Section 24057, shall, with the approval of an appropriate officer of the student body organization, be deposited in trust by the chief fiscal officer of the state college and such money shall, subject to the

approval of the trustees, be deposited or invested in any one or more of the following ways:

(a) Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government Code or in the State Colleges Trust Fund or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code or investment by the State Treasurer in those securities.

(d) Participation in funds which are exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code and which are open exclusively to nonprofit colleges, universities, and independent schools.

All moneys received by a state college from any agency of the state or federal government for the payment of student body organizations membership fees of students attending the college shall be deposited or invested as provided above.

SEC. 2. Section 23805 of the Education Code is amended to read:

23805. Upon the favorable vote of two-thirds of the students voting in an election held for the purpose at a state college, in such manner as the trustees shall prescribe, and open to all regular students enrolled in the college, the trustees are authorized to fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars (\$20) per student per academic year which shall be required of all students attending the college. All unexpended funds and money collected by any state college under this section shall be available for financing, operating and constructing a student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in trust by the chief fiscal officer of that college in any one or more of the following ways:

(a) Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government Code or in the State Colleges Trust Fund or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations; provided such associations are doing business in this state and have their accounts insured by the

Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code or investment by the State Treasurer in those securities.

(d) Participation in funds which are exempt from federal income tax pursuant to Section 501 (c) (3) of the Internal Revenue Code and which are open exclusively to nonprofit colleges, universities, and independent schools.

The chief fiscal officer of each college shall be custodian of those moneys and provide the necessary accounting records and controls thereof.

The state college shall be reimbursed from these funds in an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by an elected representative of the student body or his appointee.

CHAPTER 711

An act to amend Sections 17535 and 17536 of the Business and Professions Code, relating to advertising.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17535 of the Business and Professions Code is amended to read:

17535. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

SEC. 2. Section 17536 of the Business and Professions Code is amended to read:

17536. Any person who violates any provision of this chapter, except Section 17530, shall be liable for a civil penalty not to exceed

two thousand five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction. If brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

SEC. 3. Section 17535 of the Business and Professions Code is amended to read:

17535. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person, corporation, firm, partnership, joint stock company, or any other association or organization of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1763 are both chaptered and amend Section 17535 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 1763, that the amendments to Section 17535 proposed by both bills be given effect and incorporated in Section 17535 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1763 are both chaptered, both amend Section 17535, and Assembly Bill No. 1763 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 712

An act to add Section 13702 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 13702 is added to the Welfare and Institutions Code, to read:

13702. Notwithstanding Section 11010, in determining the amount of aid grants payable under this chapter, no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives to or in behalf of a recipient in a nonmedical out-of-home care facility when such contributions or grants meet the following conditions:

(1) The county department determines that adequate care for the recipient is not available in the community within the state-established maximum;

(2) The county department determines the amount for which adequate care for the recipient is available; and

(3) The total amount of the contributions or grants does not exceed the difference between the state-established maximum and the amount determined pursuant to subdivision (2).

 CHAPTER 713

An act to amend Sections 26, 361, and 362 of the Probate Code, relating to the probate of estates.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 26 of the Probate Code is amended to read:

26. No will made out of this state is valid as a will in this state unless (1) executed according to the provisions of this act, or (2) executed according to the laws of the state in which it was executed, or (3) valid under the laws of the state in which the testator was domiciled at the time of his death, or (4) valid under the laws of the state in which the testator was domiciled on the date of execution of the will.

SEC. 2. Section 361 of the Probate Code is amended to read:

361. The executor or any person interested in the will may file a copy of the will and of the order or decree admitting it to probate, or other evidence of its establishment or proof in accordance with

the laws of the other state or country, if such copy or other evidence satisfies the requirements of Article 2 (commencing with Section 1530) of Chapter 2 of Division 11 of the Evidence Code, together with his petition for letters. Notice shall be given and, except as provided in Section 362, the same proceedings had as in the case of an original petition for the probate of a will.

SEC. 3. Section 362 of the Probate Code is amended to read:

362. If it appears from such authenticated order or decree, or if it be otherwise proved in cases in which there is no such order or decree, that the will has been admitted to probate in another state or country, or established or proved in accordance with the laws thereof, in a proceeding in which all interested parties were given notice and an opportunity for contest and in which the determination has become final, is not subject to revocation, and is based upon a finding that the decedent was domiciled at his death in that other state or country, and that it was valid according to the law of the place in which the testator was domiciled at the time of his death, or according to the law of this state, no contest shall be permitted either before or after admission to probate and it shall be admitted to probate and have the same force and effect as a will first admitted to probate in this state, and letters testamentary or of administration with the will annexed shall issue thereon to the petitioner.

CHAPTER 714

An act to amend Sections 4300 and 4302 of the Civil Code, relating to blood tests.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4300 of the Civil Code is amended to read:

4300. Before any person, who is or may hereafter be authorized by law to issue marriage licenses, shall issue any such license, each applicant therefor shall file with him a certificate from a duly licensed physician which certificate shall state that the applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than 30 days prior to the date of issuance of such license, and that, in the opinion of such physician, the person either is not infected with syphilis, or if so infected, is not in a stage of that disease which is or may become communicable to the marital partner. Such certificate shall also state whether the female applicant has laboratory evidence of immunological response to rubella (German measles). Such certificate shall not contain such evidence of response to rubella

where the female applicant (1) is over 50 years of age, or (2) has had a surgical sterilization or (3) presents laboratory evidence of a prior test declaring her immunity to rubella..

Any person who by law is validly able to obtain a marriage license in the State of California is validly able to give consent to any examinations and tests required by this article. In submitting the blood specimen to the laboratory the physician shall designate that this is a premarital test.

SEC. 2. Section 4302 of the Civil Code is amended to read:

4302. Except as hereinafter provided, the certificate of a physician and the statement from a person in charge of a laboratory or from a person authorized to make reports for the laboratory shall be on a form to be provided and distributed by the State Department of Public Health to laboratories in the state approved by the State Department of Public Health. This form is hereinafter referred to in this article as "the certificate form."

Such form or an attachment thereto shall contain a statement to the effect that blood tests may identify carriers of genetic diseases, including, but not limited to, sickle cell anemia and Tay-Sachs disease, and that such tests may be performed at the same time as those tests required by Section 4300.

CHAPTER 715

An act to amend Sections 6203 and 6204 of, and to add Section 6208 to, the Labor Code, relating to labor.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6203 of the Labor Code is amended to read:

6203. If a rehabilitation plan requires an injured employee to attend an educational or medical facility away from his home, the injured employee shall be paid a reasonable and necessary subsistence allowance in addition to temporary disability indemnity. The subsistence allowance shall be regarded neither as indemnity nor as replacement for lost earnings, but rather as an amount reasonable and necessary to sustain the employee. The determination of need in a particular case shall be established as part of the rehabilitation plan.

SEC. 2. Section 6204 of the Labor Code is amended to read:

6204. An injured employee agreeing to a rehabilitation plan shall cooperate in carrying it out. On his unreasonable refusal to comply with the provisions of the rehabilitation plan, the injured employee's rights to further subsistence shall be suspended until compliance is obtained, except that the payment of temporary or permanent

disability indemnity, which would be payable regardless of the rehabilitation plan, shall not be suspended.

SEC. 3. Section 6208 is added to the Labor Code, to read:

6208. The initiation and acceptance of a rehabilitation program shall be voluntary and not compulsory upon the employer, the insurance carrier, or the injured employee.

SEC. 4. The State Department of Rehabilitation shall submit a report to the Legislature on or before January 1, 1974, containing its findings and recommendations with respect to the institution, functioning, and effectiveness of rehabilitation plans under Division 4.7 (commencing with Section 6200) of the Labor Code.

CHAPTER 716

An act to amend Sections 5070.5 and 5070.6 of, and to add Article 1.5 (commencing with Section 5026) to Chapter 1 of Division 3 of, the Business and Professions Code, relating to accountants.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 5026) is added to Chapter 1 of Division 3 of the Business and Professions Code, to read:

Article 1.5. Continuing Education

5026. The Legislature has determined it is in the public interest to require that certified public accountants and public accountants licensed under provisions of this chapter comply with continuing education requirements adopted by the board as a prerequisite to the renewal of public accountancy licenses on and after December 31, 1974.

5027. The board shall by regulation prescribe, amend, or repeal rules including, but not limited to, all of the following:

- (a) A definition of basic requirements for continuing education.
- (b) A delineation of qualifying programs.
- (c) A system of control and reporting.

In exercising its power under this section, the board shall establish standards which will assure reasonable currency of knowledge as a basis for a high standard of practice by certified public accountants and public accountants. The standards shall be established in a manner to assure that a variety of alternatives are available to licensees to comply with the continuing education requirements for renewal of licenses and taking cognizance of specialized areas of practice.

5028. The board shall, in accordance with the intent of this article, make exceptions from continuing education requirements for licensees not engaged in public practice, or for reasons of health, military service, or other good cause; provided, however, that if such licensee returns to the practice of public accounting he shall meet such continuing education requirements as the board may determine.

5029. The board may appoint a continuing education committee of not less than five members. If the committee consists of five members, at least one member shall be a licensed public accountant. If a larger committee is appointed, at least one out of each additional five members of the committee shall be a licensed public accountant. The committee shall perform the following duties, and such committee shall be vested with the full powers of the board for such purposes:

(a) To evaluate programs to determine whether they qualify under the regulations adopted by the board pursuant to subdivision (b) of Section 5027. Educational courses offered by professional accounting societies shall be accepted by the board as qualifying if such courses are approved by the committee as meeting the requirements of the board under such regulations.

(b) To consider applications for exceptions as permitted under Section 5028.

(c) To consider other matters relating to the requirements of this article as the board may assign to the committee.

SEC. 2. Section 5070.5 of the Business and Professions Code is amended to read:

5070.5. Permits issued under this chapter expire at 12 p.m. on December 31 of each even-numbered year if not renewed. To renew an unexpired permit, a certificate holder or registrant shall, before the time at which the permit would otherwise expire, apply for renewal on a form prescribed by the board, pay the renewal fee prescribed by this chapter and on and after December 31, 1974, give evidence to the board that he has complied with the continuing education provisions of this chapter. Renewal of an unexpired permit shall continue the permit in effect for the two-year period ending at 12 p.m. on December 31 of the next even-numbered year, when it shall expire if it is not again renewed.

SEC. 3. Section 5070.6 of the Business and Professions Code is amended to read:

5070.6. Except as otherwise provided in this chapter, an expired permit may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, payment of all accrued and unpaid renewal fees and on and after December 31, 1974, giving evidence to the board of compliance with the continuing education provisions of this chapter. If the permit is renewed more than 30 days after its expiration, its holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this

section shall be effective on the date on which the application is filed, on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the permit shall continue in effect through the date provided in Section 5070.5 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

The provisions of this chapter as amended by the Legislature at its 1961 Regular Session govern the renewal after January 1, 1962, and the fees payable therefor, of permits which expired before such amendments became operative, as well as permits which expire thereafter.

CHAPTER 717

An act to amend Section 1720 of the Labor Code, relating to public works.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1720 of the Labor Code is amended to read: 1720. As used in this chapter "public works" means:

(a) Construction, alteration, demolition or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority.

(b) Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type. "Public work" shall not include the operation of the irrigation or drainage system of any irrigation or reclamation district, except as used in Sections 1850 to 1854 of this code relating to employment of aliens, and Section 1778 relating to retaining wages.

(c) Street, sewer or other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter or not.

(d) The laying of carpet done under a building lease-maintenance contract and paid for out of public funds.

(e) The laying of carpet in a public building done under contract and paid for in whole or part out of public funds.

CHAPTER 718

An act to amend Section 28772 of, and to add Sections 28742.5, 28762.5, 28776.1, 28776.2, and 28776.3 to, the Health and Safety Code, relating to hazardous substances.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 28742.5 is added to the Health and Safety Code, to read:

28742.5. As used in this chapter, "federal act" means the Federal Hazardous Substances Act (74 Stats. 372; 15 U.S.C., Sec. 1261, et seq.).

SEC. 3. Section 28762.5 is added to the Health and Safety Code, to read:

28762.5. The state department may by regulation prohibit the use of any other container for hazardous substances if it determines that such container may be mistaken for a food, drug, or cosmetic container and has a closure which presents a health hazard due to ease of opening.

SEC. 4. Section 28772 of the Health and Safety Code is amended to read:

28772. Before any violation of this chapter is reported to the district attorney of the county, or the prosecuting officer of the city, for institution of a criminal proceeding the person against whom such proceeding is contemplated may be given appropriate notice and an opportunity to present his view, either orally or in writing, with regard to each contemplated proceeding.

SEC. 5. Section 28776.1 is added to the Health and Safety Code, to read:

28776.1. To the extent that the requirements of this chapter are identical with the federal act, all regulations and any amendments to such regulations adopted pursuant to the federal act which are in effect on the effective date of this section or which are adopted on or after such date are the hazardous substances regulations of this state.

SEC. 6. Section 28776.2 is added to the Health and Safety Code, to read:

28776.2. A federal regulation adopted pursuant to this chapter takes effect in this state 30 days after it becomes effective as a federal regulation. Any person who will be adversely affected by adoption of such federal regulation in this state may, within the 30 days prior to its becoming effective in this state, file with the state department, in writing, objections and a request for a hearing. The timely filing of substantial objections to a regulation which has become effective under the federal act, stays the adoption of the regulation in this state.

SEC. 7. Section 28776.3 is added to the Health and Safety Code, to read:

28776.3. If substantial objections are made to a federal regulation within 30 days prior to its becoming effective in this state or to a proposed regulation within 30 days after it is published, the state department, after notice, shall conduct a public hearing to receive evidence on issues raised by the objections. Any interested person or his representative shall be heard. The state department shall act upon objections by order and shall mail the order to objectors by certified mail as soon after the hearing as practicable. The order shall be based on evidence contained in the record of the hearing. If the order concerns a federal regulation, the state department may adopt, rescind, or modify it. If the order concerns a proposed regulation, the state department may withdraw it or set an effective date for the regulation as published or as modified by the order. The effective date shall be at least 60 days after publication of the order.

CHAPTER 719

An act to amend Sections 417.10 and 417.20 of, and to add Section 415.45 to, the Code of Civil Procedure, relating to unlawful detainer.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 415.45 is added to the Code of Civil Procedure, to read:

415.45. (a) A summons in an action for unlawful detainer of real property primarily used for commercial purposes may be served by posting if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in any manner specified in this article other than publication and that:

(1) A cause of action exists against the party upon whom service is to be made or he is a necessary or proper party to the action; or

(2) The party to be served has or claims an interest in real property in this state that is subject to the jurisdiction of the court or the relief demanded in the action consists wholly or in part in excluding such party from any interest in such property.

(b) The court shall order the summons to be posted on the premises in a manner most likely to give actual notice to the party to be served and direct that a copy of the summons and of the complaint be forthwith mailed to such party if his address is ascertained before expiration of the time prescribed for posting of summons.

(c) Service of summons in this manner is deemed complete on the

10th day after posting.

(d) Notwithstanding an order for posting of the summons, a summons may be served in another manner authorized by Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure, except publication, in which event such service shall supersede any posted summons.

SEC. 2. Section 417.10 of the Code of Civil Procedure is amended to read:

417.10. Proof that a summons was served on a person within this state shall be made:

(a) If served under Section 415.10, 415.20, or 415.30, by the affidavit of the person making such service showing the time, place, and manner of service and facts showing that such service was made in accordance with this chapter. Such affidavit shall recite or in other manner show the name of the person to whom a copy of the summons and of the complaint were delivered, and, if appropriate, his title or the capacity in which he is served, and that the notice required by Section 412.30 appeared on the copy of the summons served, if in fact it did appear.

If service is made by mail pursuant to Section 415.30, proof of service shall include the acknowledgment of receipt of summons in the form provided by that section or other written acknowledgment of receipt of summons satisfactory to the court.

(b) If served by publication pursuant to Section 415.50, by the affidavit of the publisher or printer, or his foreman or principal clerk, showing the time and place of publication, and an affidavit showing the time and place a copy of the summons of the complaint were mailed to the party to be served, if in fact mailed.

(c) If served pursuant to another statute of this state, in the manner prescribed by such statute or, if no manner is prescribed, in the manner prescribed by this section for proof of a similar manner of service.

(d) By the written admission of the party.

(e) If served by posting pursuant to Section 415.45, by the affidavit of the person who posted the premises, showing the time and place of posting, and an affidavit showing the time and place copies of the summons and of the complaint were mailed to the party to be served, if in fact mailed.

SEC. 3. Section 417.20 of the Code of Civil Procedure is amended to read:

417.20. Proof that a summons was served on a person outside this state shall be made:

(a) If served in a manner specified in a statute of this state, as prescribed by Section 417.10, and if service is made by mail pursuant to Section 415.40, proof of service shall include evidence satisfactory to the court establishing actual delivery to the person to be served, by a signed return receipt or other evidence;

(b) In the manner prescribed by the court order pursuant to which the service is made;

(c) Subject to any additional requirements that may be imposed by the court in which the action is pending, in the manner prescribed by the law of the place where the person is served for proof of service in an action in its courts of general jurisdiction; or

(d) By the written admission of the party.

(e) If served by posting pursuant to Section 415.45, by the affidavit of the person who posted the premises, showing the time and place of posting, and an affidavit showing the time and place copies of the summons and of the complaint were mailed to the party to be served, if in fact mailed.

CHAPTER 720

An act to amend Section 6505 of the Labor Code, relating to industrial safety.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 6505 of the Labor Code is amended to read:
6505. Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings. However, when the division secures a complaint from an employee, the employee's legal representative, or an employer of an employee, that his employment or place of employment is not safe, it shall summarily investigate the same as soon as possible, but not later than three working days after receipt of such complaint, with or without notice or hearing. Complaints of serious hazards and conditions posing imminent danger to life and safety of employees will take priority over other complaints placed earlier in time, but otherwise the time limitations herein are applicable. After a hearing upon such notice as it may prescribe, the division may enter and serve any necessary order relative thereto. The division is not required to respond to any complaint within such period where, from the facts stated in the complaint, it determines that the complaint is intended to willfully harass an employer or is without any reasonable basis.

Any employee who is discharged, threatened with discharge, demoted, suspended or in any other manner discriminated against in the terms and conditions of such employment by his employer because such employee has made a bona fide complaint to the division of unsafe working conditions, or work practices, in his employment, or place of employment shall be entitled to reinstatement and reimbursement for lost wages and work benefits

caused by such acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for such rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law, is guilty of a misdemeanor.

The name of any person who submits to the division a complaint regarding the unsafeness of an employment or place of employment shall be kept confidential by the division upon the request of that person.

CHAPTER 721

An act to add Sections 23054.5 and 23756.5 to the Education Code, relating to residence.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 23054.5 is added to the Education Code, to read:

23054.5. Notwithstanding subdivision (e) of Section 244 of the Government Code, for purposes of admission fees, tuition, or any other fee required of pupils by the regents, the residence of the husband shall not, in and of itself, be determinative of the residence of the wife.

SEC. 2. Section 23756.5 is added to the Education Code, to read:

23756.5. Notwithstanding subdivision (e) of Section 244 of the Government Code, for purposes of admission fees, tuition, or any other fee required of pupils by the trustees, the residence of the husband shall not, in and of itself, be determinative of the residence of the wife.

SEC. 3. In the event both this bill and Assembly Bill No. 666 are enacted at the 1972 Regular Session of the Legislature, the provisions of this bill shall not become operative and shall have no force or effect.

CHAPTER 722

An act to amend Section 7548 of the Business and Professions Code, relating to licensees.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 7548 of the Business and Professions Code is amended to read:

7548. In lieu of the surety bond required by this article there may be deposited with the State of California the sum of two thousand dollars (\$2,000) in cash, or investment certificates or share accounts in the amount of two thousand dollars (\$2,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER 723

An act to amend Sections 22511 and 22511.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 22511 of the Vehicle Code is amended to read:

22511. Notwithstanding any other provision of this code, any veteran, who is entitled to either of the exemptions provided in Section 9105 of this code and Section 10783 of the Revenue and Taxation Code, shall be allowed to park in restricted zones and shall be allowed to park in any metered parking space without being required to pay any parking meter fees. This section shall not be construed, however, to allow the stopping, parking, or standing of a vehicle at the times and places that stopping, parking, or standing of all vehicles is prohibited absolutely by state law or local ordinance.

SEC. 2. Section 22511.5 of the Vehicle Code is amended to read:

22511.5. Any person who has lost, or has lost the use of, one or more limbs or both hands, or is so severely disabled as to be unable to move without the aid of a mechanical device, shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted and shall be allowed to park in any metered parking space without being required to pay any parking meter fees. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is

prohibited or which are reserved for special types of vehicles. As a condition to this privilege the vehicle shall display a distinguishing license plate which shall be issued for a vehicle registered to the disabled person, without additional fees, by the Department of Motor Vehicles pursuant to regulations adopted by that department.

CHAPTER 724

An act to amend Sections 10559 and 12500 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10559 of the Welfare and Institutions Code is amended to read:

10559. There is in the department a division devoted to carrying out the provisions of this division pertaining to aid to the blind. The division shall be headed by a chief, who is a trained social worker experienced in work for the blind. The duties of both the division and the chief shall be confined to carrying out the provisions of this division pertaining to aid to the blind. Blindness shall not be grounds to disqualify a person from holding the position of Chief of the Division for the Blind. The Division for the Blind shall not be made a part of any other division or subdivision of the department. The Chief of the Division for the Blind shall be directly responsible to the director.

The director through the Division for the Blind may provide consultative services to county personnel administering aid to the blind which shall include, but not be limited to, information concerning the various aspects of blindness and its problems and implications, the rehabilitative potential of the blind, public and private services available, employment opportunities for blind persons, and concepts in counseling blind persons.

SEC. 2. Section 12500 of the Welfare and Institutions Code is amended to read:

12500. The purpose of this chapter is to relieve blind persons from the distress of poverty, to promote self-care, to enlarge the economic opportunities of the blind, and to stimulate the blind to greater efforts in striving to render themselves self-supporting. The aid granted under this chapter shall be known as aid to the blind.

CHAPTER 725

An act to amend Section 790.03 of the Insurance Code, relating to insurance.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 790.03 of the Insurance Code is amended to read:

790.03. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance.

(a) Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(b) Making or disseminating or causing to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever, any statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(c) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(d) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public any false statement of financial condition of an insurer with intent to deceive.

(e) Making any false entry in any book, report or statement of any

insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(f) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(g) Making or disseminating, or causing to be made or disseminated, before the public in this state, in any newspaper or other publication, or any other advertising device, or by public outcry or proclamation, or in any other manner or means whatever, whether directly or by implication, any statement that a named insurer, or named insurers, are members of the California Insurance Guarantee Association, or insured against insolvency as defined in Section 119.5. This subdivision shall not be interpreted to prohibit any activity of the California Insurance Guarantee Association or the commissioner authorized, directly or by implication, by Article 14.2 (commencing with Section 1063) of this chapter.

(h) Knowingly committing or performing with such frequency as to indicate a general business practice any of the following unfair claims settlement practices:

(1) Misrepresenting to claimants pertinent facts or insurance policy provisions relating to any coverages at issue.

(2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies.

(3) Failing to adopt and implement reasonable standards for the prompt investigation and processing of claims arising under insurance policies.

(4) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss requirements have been completed and submitted by the insured.

(5) Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear.

(6) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds, when such insureds have made claims for amounts reasonably similar to the amounts ultimately recovered.

(7) Attempting to settle a claim by an insured for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application.

(8) Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of, the insured, his representative, agent, or broker.

(9) Failing, after payment of a claim, to inform insureds or beneficiaries, upon request by them, of the coverage under which payment has been made.

(10) Making known to insureds or claimants a practice of the insurer of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.

(11) Delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either, to submit a preliminary claim report, and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information.

(12) Failing to settle claims promptly, where liability has become apparent, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

(13) Failing to provide promptly a reasonable explanation of the basis relied on in the insurance policy, in relation to the facts or applicable law, for the denial of a claim or for the offer of a compromise settlement.

CHAPTER 726

An act to amend Section 21201 of the Vehicle Code, relating to bicycles.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 21201 of the Vehicle Code is amended to read:

21201. (a) No person shall operate a bicycle on a roadway unless it is equipped with a brake which will enable the operator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon any highway a bicycle which has been modified or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground.

(d) Every bicycle operated upon any highway during darkness shall be equipped with a lamp emitting a white light visible from a

distance of 300 feet in front of the bicycle and with a red reflector on the rear of a type approved by the department which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector.

(e) On and after January 1, 1972, no person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflector, of a type approved by the department, on each pedal of such bicycle which is visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

(f) On and after January 1, 1973, no person shall sell or offer for sale a new bicycle unless it is equipped on the rear with a red reflector of a type approved by the department, nor shall any person sell or offer for sale for use on a bicycle, a red reflector that is not approved by the department.

(g) On and after January 1, 1974, no person shall sell or offer for sale a new bicycle unless it is equipped with either:

(1) An amber reflector on each side forward of the center of the bicycle and a red reflector on each side to the rear of the center of the bicycle; or

(2) An amber reflector mounted on the outside end on each pedal of such bicycle.

Such reflectors shall be visible from a distance of 500 feet to the side when directly in front of lawful lower beams on a motor vehicle and shall be of a type approved by the department.

(h) On and after January 1, 1975, no person shall operate a bicycle upon any highway unless it is equipped with either:

(1) An amber reflector on each side forward of the center of the bicycle and a red reflector on each side to the rear of the center of the bicycle; or

(2) An amber reflector mounted on the outside end on each pedal of such bicycle.

Such reflectors shall be visible from a distance of 500 feet to the side when directly in front of lawful lower beams on a motor vehicle and shall be of a type approved by the department.

CHAPTER 727

An act to amend Section 1744.2 of the Code of Civil Procedure, relating to conciliation proceedings.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1744.2 of the Code of Civil Procedure is amended to read:

1744.2. In each county with a population of 1,000,000 or more, as determined by the 1960 federal census, except as otherwise provided in Section 69894.1 of the Government Code, the superior court may appoint one counselor of conciliation and one secretary to assist the conciliation court in disposing of its business and carrying out its functions.

The counselor of conciliation so appointed shall have the power to:

(a) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(b) Provide such supervision in connection with the exercise of his jurisdiction as the judge of the conciliation court may direct.

(c) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(d) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make such investigations as may be required by the court to carry out the intent of this chapter.

(e) Make recommendations relating to preage marriages.

The superior court may also appoint, with the consent of the board of supervisors, such associate counselors of conciliation and other office assistants as may be necessary to assist the conciliation court in disposing of its business. Such associate counselors shall carry out their duties under the supervision of the judge of the conciliation court and shall have all the powers of the counselor of conciliation. Office assistants shall work under the supervision and direction of the counselor of conciliation.

Salaries of persons appointed under this section shall be fixed by the board of supervisors of the county.

CHAPTER 728

An act to amend Sections 25210.77e and 25830 of the Government Code, relating to waste, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.77e of the Government Code is amended to read:

25210.77e. On or before the first day of July of each calendar year, the board of supervisors of any county may, by resolution or

ordinance, establish a schedule of fees to be imposed on land within a county service area, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation, and disposal services, where such services are provided. In establishing the schedule of fees, the board of supervisors shall classify the land within the county service area based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the land within the county service areas according to categories and ownership; provided, however, that the board shall establish a category of land for which no services are provided and no fee required, and shall determine eligibility for inclusion in such category, upon application, on a case-by-case basis. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis.

SEC. 2. Section 25830 of the Government Code is amended to read:

25830. On or before the first day of July of each calendar year, the board of supervisors of any county may, by resolution or ordinance, establish a schedule of fees to be imposed on land within the unincorporated area of the county, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation, and disposal services, where such services are provided. In establishing the schedule of fees, the board of supervisors shall classify the land within the unincorporated area of the county based upon the various uses to which the land is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the land upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the land within the unincorporated territory according to categories and ownership; provided, however, that the board shall establish a category of land for which services are provided and no fee required, and shall determine eligibility for inclusion in such category, upon application, on a case-by-case basis. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed and collected on a monthly or yearly basis.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 12 of the Statutes of the 1972 Regular Session was

intended, but failed, to provide an exemption to the collection of fees for waste collection for persons who do not require such service. In order to provide this necessary and equitable exemption, it is necessary that this act go into effect immediately.

CHAPTER 729

An act to amend Sections 5721 and 5985 of the Education Code, relating to school insurance.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5721 of the Education Code is amended to read:

5721. The governing board of any district offering a nursing program, or related program in the healing arts, either in regular graded classes or in classes for adults, may maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.

The governing board may purchase liability insurance for the students with district funds.

SEC. 2. Section 5985 of the Education Code is amended to read:

5985. The governing board of any district maintaining a high school or community college may:

(a) Provide for the instruction of pupils in the skills, attitudes, and understandings necessary to success in employment by means of courses of work experience education as provided in this article.

(b) Provide for guidance and supervision procedures designed to insure maximum educational benefit to students from placement in suitable work experience education courses.

(c) Provide for arranging, approving, coordinating, and awarding credit for work experience education courses, and for those purposes employ instructors, coordinators, and other necessary personnel.

(d) Provide for the district to purchase liability insurance for students enrolled in programs of study involving work experience or vocational education at locations off school grounds approved by the governing board, or require students to purchase insurance and to pass on all or a portion of the costs, at the discretion of the governing board, to the district.

CHAPTER 730

An act to amend Sections 34046 and 34047 of the Vehicle Code, relating to cargo tanks.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 34046 of the Vehicle Code is amended to read:

34046. If, on application for original registration, or on application for renewal of registration which is accompanied by a certificate of nonuse, more than 12 months of the registration period has expired, the registration fee shall be reduced by 50 percent. Otherwise, the fees in Section 34045 shall apply.

SEC. 2. Section 34047 of the Vehicle Code is amended to read:

34047. A penalty fee equal to the fee payable under Section 34045 shall be added where the fee for renewal of the registration is not paid on or before November 1 of the year in which current registration expires, except that if the fee for renewal of the registration of a cargo tank is not paid on or before November 1 of the year in which current registration expires and the tank is not used as a cargo tank after current registration expires, then any application for renewal of registration which is accompanied by a certificate of nonuse shall be subject to the provisions of Section 34046.

CHAPTER 731

An act to add Section 16524 to, the Education Code, relating to school field trips and excursions.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16524 is added to the Education Code, to read:

16524. The governing board of any school district may lend school band instruments, music, uniforms, and other regalia to persons who are or have been, during the prior school year, members of the school band for use by them on excursions to foreign countries whether or not such an excursion is sanctioned by the governing board.

The governing board may require the borrower to make a deposit or take other measures to insure that the items borrowed will be returned in usable condition.

CHAPTER 732

An act to amend Section 13¾ of, and to repeal Sections 13¼ and 13½ of, the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13¼ of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is repealed.

SEC. 2. Section 13½ of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is repealed.

SEC. 3. Section 13¾ of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 13¾. The Board of Supervisors of the Los Angeles County Flood Control District shall have power to accept on behalf of said district a transfer and conveyance of storm drain improvements and drainage systems lying within or without the territorial limits of said district, provided that such improvements or systems benefit property within the territorial limits of the district, whenever the governing body of any public agency owning or exercising jurisdiction over such storm drain and drainage improvements, by resolution describing them, requests the said Los Angeles County Flood Control District to accept the same or when the owner of such storm drain improvement or drainage system tenders a conveyance thereof. Upon such acceptance, the board of supervisors of said district shall thereupon assume sole control and jurisdiction over such storm drain and drainage systems and shall thereafter provide for the operation, maintenance, repair and improvement thereof, except that such flood control district shall not assume or be liable for any bonded indebtedness that may be against the said storm drain or drainage systems. Any city or county within whose limits any storm drain or drainage system has been constructed, and which storm drain or drainage system also lies within the territorial limits of said Los Angeles County Flood Control District, may, by a four-fifths vote of the legislative body of such city or county, transfer and convey to said flood control district any such storm drain or drainage systems for future operation, maintenance, repair and improvement, and upon acceptance of any storm drain improvement under this section the board of supervisors of said flood control district shall have power, and it shall be its duty, to levy a special tax each year upon the taxable real property in said district sufficient to pay the cost and expenses of operating, maintaining, repairing and improving such storm drain and drainage systems so transferred and accepted, excepting only the payment of interest and principal on any outstanding bonds for which the said district

shall not be liable. Said special tax shall likewise be levied, collected and expended to pay the cost and expenses of operating, maintaining, repairing and improving all storm drain improvements or drainage systems, or both, constructed by said district with bond funds authorized at any bond election held under the authority of this act. Said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said flood control district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to the taxes authorized to be levied under Section 14 of this act.

CHAPTER 733

An act to amend Sections 26304 and 35553 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 26304 of the Vehicle Code is amended to read:

26304. (a) Power brakes on any trailer or semitrailer manufactured after December 31, 1955, operated over public highways and required to be equipped with brakes shall be designed to be automatically applied upon breakaway from the towing vehicle and shall be capable of stopping and holding such vehicle stationary for not less than 15 minutes.

(b) Every new truck or truck tractor manufactured after December 31, 1955, operated over public highways and used in towing a vehicle shall be equipped with service brakes capable of stopping the truck or truck tractor in the event of breakaway of the towed vehicle.

SEC. 2. Section 35553 of the Vehicle Code is amended to read:

35553. The provisions of this article shall not apply to any vehicle in the immediate vicinity of an unloading or loading area while actually preparing for or in the process of unloading or loading, provided any overload is incidental to and necessitated by such action; and provided that such action does not occur on a bridge or highway structure.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956).

CHAPTER 734

An act to amend Sections 25210.11, 25210.13, and 25210.14 of the Government Code, relating to county service areas.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.11 of the Government Code is amended to read:

25210.11. Proceedings for the establishment of a county service area may be instituted by the board of supervisors on its own initiative and shall be instituted by the board when:

(a) A written request therefor, signed by two members of the board, describing the boundaries of the territory which is proposed for inclusion in the area and specifying the type or types of extended county services already provided or to be provided within the area, is filed with the board; or

(b) A written request therefor in the form of a resolution adopted by a majority vote of the governing body of any city in the county is filed with board of supervisors; provided that, proceedings under this subdivision shall be available only to the governing body of a city located in a county with less than 4,000,000 population; or

(c) A petition requesting the institution of such proceeding and signed by the requisite number of registered voters is filed with the board. The petition may consist of any number of separate instruments, each of which must comply with all the requirements of a petition, except as to the number of signatures.

SEC. 2. Section 25210.13 of the Government Code is amended to read:

25210.13. No proceedings shall be instituted by the board or requested by its members, and no resolution by the governing body of a city shall be considered by the board, and no petition shall be circulated, until approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 3. Section 25210.14 of the Government Code is amended to read:

25210.14. Within 40 days after either a written request by two members of the board, or a resolution by the governing body of a city within the county, or a petition requesting the institution of proceedings for the establishment of a county service area is filed with it, the board of supervisors shall adopt a resolution of intention to establish a county service area in the form hereinafter specified.

SEC. 4. This act shall become operative on July 1, 1973.

CHAPTER 735

An act to amend Section 11501 of the Agricultural Code, relating to pesticides.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11501 of the Agricultural Code, as added by Chapter 1276 of the Statutes of 1971, is amended to read:

11501. The purposes of this division and Chapter 1 (commencing with Section 12501), Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of Division 7 are as follows:

(a) To provide for the proper, safe, and efficient use of pesticides essential for production of food and fiber and for protection of the public health and safety.

(b) To protect the environment from environmentally harmful pesticides by prohibiting, regulating, or controlling uses of such pesticides.

(c) To assure the agricultural and pest control workers of safe working conditions where pesticides are present.

(d) To permit agricultural pest control by competent and responsible licensees and permittees under strict control of the director and commissioners.

(e) To assure the users that economic poisons are properly labeled and are appropriate for the use designated by the label.

(f) To encourage the development and implementation of pest management systems, stressing application of biological and cultural pest control techniques with selective pesticides when necessary to achieve acceptable levels of control with the least possible harm to nontarget organisms and the environment.

CHAPTER 736

An act to add Section 33125.5 to the Health and Safety Code, relating to redevelopment.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 33125.5 is added to the Health and Safety Code, to read:

33125.5. An agency shall keep a record of the proceedings of its meetings.

CHAPTER 737

*An act to amend Section 2640 of the Labor Code, relating to
employee housing.*

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2640 of the Labor Code is amended to read:
2640. (a) The Commission of Housing and Community
Development may promulgate rules and regulations to interpret and
make specific the provisions of this chapter and when adopted such
rules and regulations shall apply to all parts of the state.

(b) Upon written notice to the Department of Housing and
Community Development, any city, county, or city and county may
assume the responsibility for the enforcement of this chapter and the
rules and regulations adopted pursuant thereto following approval
by the department for such assumption.

(c) The Commission of Housing and Community Development
shall adopt regulations which shall set forth the conditions for
assumption and may include required qualifications of local
enforcement agencies. When assumption is approved, the
department shall transfer the responsibility for enforcement to the
city, county, or city and county, together with all records of labor
camps within its jurisdiction.

(d) Such city, county or city and county may by ordinance,
establish a schedule of fees for the operation of labor camps not to
exceed that which is established by the commission.

(e) In the event of nonenforcement of this chapter, or the rules
and regulations adopted pursuant thereto, the provisions of this
chapter and the rules and regulations adopted thereunder shall be
enforced by the department in any such city, county, or city and
county after the department has given written notice to the
governing body of such city, county, or city and county of
nonenforcement of this part or the rules and regulations adopted
thereunder and the city, county, or city and county has failed to
initiate proceedings to secure correction of the violations within 30
days of the date of such notice.

(f) The department shall be sole judge as to whether the local
enforcement agency is properly enforcing this chapter. The local
enforcement agency shall have the right to appeal such decision to
the commission.

(g) Any city, county, or city and county, upon written notice from
the governing body to the department, may cancel its assumption of
responsibility for the enforcement of this chapter. The department,
upon receipt of such notice, shall assume such responsibility within
30 days.

(h) The enforcement agency may:

(1) Enter public or private properties to determine whether there exists any labor camp to which this chapter applies.

(2) Enter and inspect all labor camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(3) Enter and inspect the land adjacent to the labor camp to determine whether the sanitary and other requirements of this chapter have been or are being complied with.

CHAPTER 738

An act to amend Section 4357 of the Civil Code, relating to child support.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4357 of the Civil Code is amended to read:
4357. During the pendency of any proceeding under Title 3 (commencing with Section 4500), Title 4 (commencing with Section 4600) or Title 5 (commencing with Section 4700) of this part, the superior court may order the husband or wife, or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance and education of the children, as the case may be. An order made pursuant to this section shall not prejudice the rights of the parties or children with respect to any subsequent order which may be made. Any such order may be modified or revoked at any time except as to any amount that may have accrued prior to the date of filing of the notice of motion or order to show cause to modify or revoke.

CHAPTER 739

An act to amend Sections 23014, 25210.9c, and 25210.77a of the Government Code, relating to counties.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23014 of the Government Code, as amended by Chapter 251 of the Statutes of 1971, is amended to read:
23014. Pursuant to a resolution adopted by its board of

supervisors by a four-fifths vote of all of the members of the board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed five hundred thousand dollars (\$500,000) to be used by any county sanitation district, county flood control district, or county maintenance district, located wholly within the county for the acquisition of real or personal property, environmental impact studies, fiscal analysis, engineering services, or the construction of structures or improvements needed in whole or in part for district purposes. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available to the district, and no sums shall be disbursed from the fund until an agreement with a term not exceeding five years has been made between the board of supervisors and the governing board of the district encompassing the method by, and the time within, which the district is to reimburse the fund. Such reimbursement from tax revenue shall not exceed in any one fiscal year an amount equal to one cent (\$.01) on the tax rate or twenty-five thousand dollars (\$25,000), whichever is less. The district shall reimburse the fund for any amount disbursed to the district within five years after such disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

SEC. 2. Section 25210.9c of the Government Code, as amended by Chapter 251 of the Statutes of 1971, is amended to read:

25210.9c. Pursuant to a resolution adopted by a four-fifths vote of all the members of its board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed five hundred thousand dollars (\$500,000) to be used for the acquisition of real or personal property, environmental impact studies, fiscal analysis, engineering services, salaries, wages, services, supplies, or the construction of structures or improvements needed in whole or in part to provide one or more extended services to a county service area located wholly within the county. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available from the service area, and no sums shall be disbursed from the fund until the board has, by resolution, established the method by and term, not exceeding five years, within which the county service area is to reimburse the fund. The service area shall reimburse the fund for any amount disbursed to the service area within five years after such disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

SEC. 3. Section 25210.77a of the Government Code is amended to read:

25210.77a. For any county service area located therein, a county may fix and collect charges for a particular extended service authorized pursuant to this article to pay, in whole or in part, for the cost thereof. The revenue obtained thereby may be in lieu of, or supplemental to revenue obtained by the levy of taxes. The charges

may vary by reason of the nature of the use or the month in which the service is rendered to correspond to the cost and the value of the service.

Any county which has fixed charges pursuant to this section may, by ordinance, provide a procedure for, and collect such charges, on the tax roll in the same manner and at the same time as its general ad valorem property taxes are collected as provided herein. Any such ordinance shall provide that:

(a) Once a year the board of supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with the procedure set forth in the ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the clerk of the board of supervisors.

(b) Upon the filing of such report, the clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The clerk shall publish notice of such hearing as provided in Section 6066, prior to the date set for hearing, in a newspaper of general circulation printed and published in the county.

(c) At the time, date and place stated in the notice, the board of supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the board of supervisors may adopt, revise, change, reduce, or modify any charge and shall make its determination upon each charge as described in the report and thereafter, by resolution, shall confirm the report.

(d) The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill. The charge may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such charge.

CHAPTER 740

An act to add Section 25251.1 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25251.1 is added to the Vehicle Code, to read: 25251.1. Any motor vehicle may also be equipped with a system in which a red or amber warning light is center mounted on the rear of a vehicle at the same height as existing stop lamps to communicate a component of deceleration of the vehicle, and which light pulses in a controlled fashion at a rate which varies exponentially with a component of deceleration.

SEC. 2. Section 1 of this act shall become operative only if the Department of the California Highway Patrol, in a written report to the Legislature, approves of the use, on motor vehicles upon the highways, of the lighting system described in Section 1 of this act, and, if so, on the date specified by the department in such report.

SEC. 3. The Department of the California Highway Patrol shall submit a written report to the Legislature no later than June 1, 1973, which indicates the department's approval or disapproval, of the use, on motor vehicles upon the highways, of the lighting system described in Section 1 of this act.

CHAPTER 741

An act to amend Sections 28802.5 and 28840 of the Health and Safety Code, relating to retail food production and marketing establishments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 28802.5 of the Health and Safety Code is amended to read:

28802.5. Except as otherwise provided in this section, the provisions of this chapter shall not apply to roadside stands, food establishments which are open to the outside air, or retail dairies or areas therein, in which there is displayed for sale only produce, shell eggs, or packaged foods, or any two or more of such products. The department shall adopt rules and regulations for such establishments as it determines are reasonably necessary for the protection of the public health and safety. Such rules and regulations shall require the issuance of permits by local health departments to such establishments which satisfy the requirements of such rules and regulations.

Such establishments shall be required to have a permit within a reasonable time after the adoption of rules and regulations pursuant to this chapter, as determined by the department.

As used in this section, "retail dairies" means the following:

(a) Establishments which produce, process, and sell milk to the

consumer on the same premises.

(b) Establishments which process and sell milk to the consumer on the same premises.

(c) Establishments where the principal business is the sale of milk and dairy products to consumers.

SEC. 2. Section 28840 of the Health and Safety Code is amended to read:

28840. All food establishments in which food is prepared or utensils are washed shall have at least a one-compartment sink which shall be separate from the facilities used for hand washing. Each such food establishment constructed after the effective date of this chapter shall have at least a one-compartment metal sink with metal drainboards.

Where utensils are washed by hand, there shall be provided in each new food establishment constructed after the effective date of this chapter, at least a two-compartment metal sink with metal drainboards. The sink compartments and drainboards shall be large enough to adequately clean the largest utensils used. An adequate supply of hot and cold running water under pressure shall be provided for each sink compartment. A one-compartment utensil sink which is in use on the effective date of this chapter may be continued in use until replaced.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Local health officers have made various rulings affecting retail food production and marketing establishments in a manner which is inconsistent with the intention of the Legislature. Thus, in order to effectuate the intention of the Legislature and to avoid needless confusion and chaos in the enforcement of the provisions relating to retail food production and marketing establishments, it is necessary that this act go into effect immediately.

CHAPTER 742

An act to amend Sections 263.3, 263.8, and 415 of, and to add Section 486 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 263.3 of the Streets and Highways Code is amended to read:

263.3. The state scenic highway system shall also include:
Route 5 from:

(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.

(c) Route 210 near Tunnel Station to Route 126 near Castaic.

(d) Route 152 west of Los Banos to Route 580 near Vernalis.

(e) Route 44 near Redding to the Shasta Reservoir.

(f) Route 89 near Mt. Shasta to Route 97 near Weed.

(g) Route 3 near Yreka to the Oregon state line near Hilts.

Route 8 from Route 5 in San Diego to Route 98 near Coyote Wells.

Route 9 from:

(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.

(b) Route 236 near Boulder Creek to Route 236 near Waterman

Gap.

(c) Route 236 near Waterman Gap to Route 35.

(d) Saratoga to Route 17 near Los Gatos.

(e) Blaney Plaza in Saratoga to Route 35.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:

(a) Route 76 near the San Luis Rey River to Route 71 near

Murrieta.

(b) Route 74 near Romoland to Route 74 near Perris.

(c) Route 138 near Cajon Pass to Route 138 near Cajon Pass.

(d) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:

(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near

Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Calpella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 24 from the Alameda-Contra Costa county line to Route 680 in Walnut Creek.

Route 27 between Route 1 and Route 268.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 106 near Highland to Route 18 near Running Springs.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.

(c) Route 198 near Coalinga to Route 198 near Oilfields.

Route 36 from:

(a) Route 101 near Alton to Route 3 near Peanut.

(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

SEC. 2. Section 263.8 of the Streets and Highways Code is amended to read:

263.8. The state scenic highway system shall also include:

Route 198 from:

(a) Route 101 near San Lucas to Route 33 near Coalinga.

(b) Route 33 near Oilfields to Route 5.

(c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from Route 17 in Santa Clara County to Route 80 near First Street in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from Route 14 near Little Lake to Route 89 near Coleville.

Route 680 from the Santa Clara-Alameda county line to Route 24 in Walnut Creek.

SEC. 3. Section 415 of the Streets and Highways Code is amended to read:

415. Route 115 is from:

(a) Route 8 southeasterly of Holtville to Route 78.

(b) Route 78 east of Brawley to Route 111 at Calipatria.

SEC. 4. Section 486 is added to the Streets and Highways Code, to read:

486. Route 186 is from the international boundary near Algodones to Route 8.

CHAPTER 743

An act to amend Section 10095 of the Insurance Code, relating to insurance.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10095 of the Insurance Code is amended to read:

10095. (a) Within 30 days following the effective date of this chapter, the association shall submit to the commissioner, for his

review, a proposed plan of operation, consistent with the provisions of this chapter, creating an association consisting of all insurers licensed to write and engaged in writing in this state, on a direct basis, basic property insurance or any component thereof in homeowners or other dwelling multiperil policies. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to transact such kinds of insurance in this state.

(b) The proposed plan shall authorize the association to assume and cede reinsurance on risks written by insurers in conformity with the program.

(c) Under the plan, each insurer shall participate in the writings, expenses, profits and losses of the association in the proportion that its premiums written during the second preceding calendar year bear to the aggregate premiums written by all insurers in the program, excluding that portion of the premiums written attributable to the operation of the association.

(d) The plan shall provide for administration by a governing committee under rules to be adopted by it with the approval of the commissioner. Voting on administrative questions of the association and facility shall be weighted in accordance with each insurer's premiums written during the second preceding calendar year as disclosed in the reports filed by the insurer with the commissioner.

(e) The plan shall provide for a plan to encourage persons to secure basic property insurance through normal channels from an admitted insurer or a licensed surplus line broker by informing such persons what steps they must take in order to secure such insurance through normal channels.

(f) The plan shall be subject to the approval of the commissioner and shall go into effect upon the tentative approval of the commissioner. The commissioner may, at any time, withdraw his tentative approval or he may, at any time after he has given his final approval revoke such approval if he feels it is necessary to carry out the purposes of the chapter. The withdrawal or revocation of such approval shall not affect the validity of any policies executed prior to the date of such withdrawal. If the commissioner disapproves or withdraws or revokes his approval to all or any part of the plan of operation, the association shall within 30 days, submit for review an appropriately revised plan or part thereof, and, if the association fails to do so, or if the revised plan so filed is unacceptable, the commissioner shall promulgate such a plan of operation or part thereof as he may deem necessary to carry out the purpose of this chapter.

(g) The association may, on its own initiative or at the request of the commissioner, amend the plan of operation, subject to approval by the commissioner, who shall have supervision of the inspection bureau, the facility and the association. The commissioner or any person designated by him, shall have the power of visitation of and examination into the operation and free access to all the books,

records, files, papers, and documents that relate to operation of the facility and association, and may summon, qualify and examine as witnesses all persons having knowledge of such operations including officers, agents or employees thereof.

CHAPTER 744

An act to amend Section 690.2 of the Code of Civil Procedure, relating to execution of judgment.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 690.2 of the Code of Civil Procedure is amended to read:

690.2. One motor vehicle with a value not exceeding five hundred dollars (\$500), over and above all liens and encumbrances on such motor vehicle, provided that the value of such motor vehicle, as set forth in established used car price guides customarily used by California automobile dealers, or, if not listed in such guides, fair market value, for a motor vehicle of that year and model, shall not exceed one thousand dollars (\$1,000).

In the event of execution sale, the proceeds of the sale must be applied in the following order of priority: first, to the seller or the mortgagee pursuant to subdivision (1) of Section 689c; second, to the exemption claimant to the amount of the motor vehicle exemption; and third the balance, if any, in accord with subdivision (2) of Section 689c. Further, the money paid to the claimant shall be entitled, for a period of three months thereafter, to the same protection against legal process which the law gives to the motor vehicle exemption.

CHAPTER 745

An act to amend Sections 61842, 61843, and 61845 of the Agricultural Code, relating to milk, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 61842 of the Agricultural Code is amended to read:

61842. Class 1 comprises:

(a) Any fluid milk, fluid skim milk, or fluid cream that is supplied to consumers as market milk, market skim milk, or market cream or concentrated milk, with the exception of the following:

(1) Any combination of market milk, market skim milk, or market cream which is sterilized and packaged in hermetically sealed containers.

(2) Any market cream or market half-and-half which is packaged in presterilized containers under aseptic conditions to meet the marketing requirements for such products in states other than this state; provided, however, that nothing in this paragraph shall authorize the sale within this state of any milk product as a sterilized product unless such product meets the standards and requirements for sterilized products contained in Division 15 (commencing with Section 32501).

(b) Any other dairy product or products resembling milk products in which the use of market milk or any components or derivatives of market milk is required by, or pursuant to, the provisions of this code.

(c) Any fluid milk, fluid skim milk, fluid cream, milk fat, or milk solids not fat which is used in the standardizing or fortifying of market milk or any dairy product which is defined in this section as class 1.

(d) Any product which is required by any regulations adopted by the director pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3, Division 15 of this code to be made from market milk or any components or derivative of market milk.

(e) Any fluid milk, fluid skim milk, fluid cream, milk fat or milk solids not fat used in any filled product or imitation milk product, when the product imitated or resembled, is defined in this section as class 1.

SEC. 2. Section 61843 of the Agricultural Code is amended to read:

61843. Class 2 comprises any fluid milk, fluid skim milk, or fluid cream which is used in the manufacture of any product defined in paragraph (2) of subdivision (a) of Section 61842 or for which a definition and standard is prescribed in Division 15 (commencing with Section 32501), except any such product which is included in class 1, class 3 or class 4.

SEC. 3. Section 61845 of the Agricultural Code is amended to read:

61845. Class 4 comprises all fluid milk, fluid skim milk, or fluid cream, which is used in the manufacture of butter, cheese other than cottage cheese, dried milk, dried skim milk, nonfat dry milk solids, defatted milk solids, dried buttermilk, or any product for which no definition and standards are prescribed in Division 15 (commencing with Section 32501), except the products defined in paragraph (2) of subdivision (a) of Section 61842.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act clarify the ambiguities in the milk classification provisions for producer pricing purposes. In order to clarify such ambiguities as soon as possible to avoid further problems, it is necessary that this act go into immediate effect.

CHAPTER 746

An act to amend Section 1466 of the Unemployment Insurance Code, as added by Section 5 of Chapter 1793 of the Statutes of 1971, relating to unemployment insurance.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1466 of the Unemployment Insurance Code, as added by Section 5 of Chapter 1793 of the Statutes of 1971, is amended to read:

1466. (a) In lieu of the contributions required of employers, each county in the state shall pay into the Unemployment Fund in the State Treasury, at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period county wages or county base period county wages with respect to employment of county employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Section 803 but the additional cost to the Unemployment Fund of the benefits paid based on base period county wages or county base period county wages pursuant to this chapter shall be borne solely by the involved county.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each county under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the county officer or other person responsible for disbursements on

behalf of the county the amount determined with respect to the county. The officer or other person responsible for disbursements on behalf of the county shall pay to the Unemployment Fund the contributions due from the county.

(c) The director may require from each county such employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing county.

(e) Each county shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of law, no county shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the state.

CHAPTER 747

An act to add Article 2.5 (commencing with Section 12020) to Chapter 5 of Division 9 of the Education Code, relating to schools.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 12020) is added to Chapter 5 of Division 9 of the Education Code, to read:

Article 2.5. Special Pupil Medication

12020. The parent or legal guardian of any public school pupil on a continuing medication regimen for a nonepisodic condition, shall inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage, and the name of the supervising physician. With the consent of the parent or legal guardian of the pupil, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the drug on the child's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose. The superintendent of each school district shall be responsible for informing parents of all pupils of the requirements of this section.

CHAPTER 748

An act to add Section 569 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 569 is added to the Streets and Highways Code, to read:

569. Route 269 is from Route 33 at Avenal to Route 145 near Five Points.

CHAPTER 749

An act to amend Sections 101, as amended by Section 1 of Chapter 1578 of the 1971 Statutes, 205, 19000, 19004, 19030, 19035, 19161, and 19174, and the heading of Chapter 3 (commencing with Section 19000) of Division 8, and to add and repeal Section 101, of the Business and Professions Code, and to amend Section 11501 of the Government Code, and Section 6 of Chapter 881 of the 1971 Statutes, relating to furniture and bedding.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code, as amended by Section 1 of Chapter 1578 of the 1971 Statutes, is amended to read:

101. The department is comprised of:

- (a) The Board of Dental Examiners of California.
- (b) The Board of Medical Examiners of the State of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Board of Examiners in Veterinary Medicine.
- (f) The State Board of Accountancy.
- (g) The California State Board of Architectural Examiners.
- (h) The State Board of Barber Examiners.
- (i) The State Board of Registration for Professional Engineers.
- (j) The Contractors' State License Board.
- (k) The State Board of Cosmetology.
- (l) The State Board of Funeral Directors and Embalmers.
- (m) The Structural Pest Control Board.
- (n) The Bureau of Home Furnishings.
- (o) The California Board of Nursing Education and Nurse

Registration.

- (p) The State Board of Dry Cleaners.
- (q) The Board of Chiropractic Examiners.
- (r) The Board of Behavioral Science Examiners.
- (s) The State Athletic Commission.
- (t) The Cemetery Board.
- (u) The State Board of Guide Dogs for the Blind.
- (v) The Bureau of Collection and Investigative Services.
- (w) The Certified Shorthand Reporters Board.
- (x) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
- (y) The California State Board of Landscape Architects.
- (z) The Bureau of Repair Services.
- (aa) The Bureau of Employment Agencies.
- (ab) The Board of Osteopathic Examiners.
- (ac) The Division of Investigation.
- (ad) The Bureau of Automotive Repair.
- (ae) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 101 is added to the Business and Professions Code, to read:

101. The department is comprised of:

- (a) The State Board of Accountancy.
- (b) The California State Board of Architectural Examiners.
- (c) The State Board of Barber Examiners.
- (d) The State Board of Registration for Professional Engineers.
- (e) The Contractors' State License Board.
- (f) The State Board of Cosmetology.
- (g) The State Board of Funeral Directors and Embalmers.
- (h) The Structural Pest Control Board.
- (i) The Bureau of Home Furnishings.
- (j) The State Board of Dry Cleaners.
- (k) The State Athletic Commission.
- (l) The Cemetery Board.
- (m) The State Board of Guide Dogs for the Blind.
- (n) The Bureau of Collection and Investigative Services.
- (o) The Certified Shorthand Reporters Board.
- (p) The California State Board of Landscape Architects.
- (q) The Bureau of Automotive Repair.
- (r) The Bureau of Repair Services.
- (s) The Bureau of Employment Agencies.
- (t) The Division of Investigation.
- (u) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. Section 205 of the Business and Professions Code is

amended to read:

205. There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

Accountancy Fund.

California State Board of Architectural Examiners' Fund.

Athletic Commission Fund.

State Board of Barber Examiners' Fund.

Cemetery Fund.

Contractors' License Fund.

Board of Cosmetology's Contingent Fund.

State Dentistry Fund.

Dry Cleaners' Fund.

State Funeral Directors and Embalmers' Fund.

Bureau of Home Furnishings Fund.

State Board of Landscape Architects' Fund.

Contingent Fund of the Board of Medical Examiners.

Board of Nurse Examiners' Fund.

State Optometry Fund.

Pharmacy Board Contingent Fund.

Physical Therapy Fund.

Private Investigator and Adjuster Fund.

Professional Engineers' Fund.

Consumer Affairs Fund.

Behavioral Science Examiners Fund.

Shorthand Reporters' Fund.

Structural Pest Control Fund.

Board of Veterinary Examiners' Contingent Fund.

Vocational Nurse Examiners' Fund.

For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each such account or fund shall be available for expenditure only for such purposes as are now or may hereafter be provided by law.

SEC. 4. Section 19000 of the Business and Professions Code is amended to read:

19000. This chapter may be cited as the Home Furnishings Act.

SEC. 5. Section 19004 of the Business and Professions Code is amended to read:

19004. (a) "Bureau" refers to the Bureau of Home Furnishings.

(b) "Chief" refers to the chief of the bureau.

(c) "Inspector" refers to an inspector of the department's Division of Investigation.

(d) "Director" refers to the Director of Consumer Affairs.

(e) "Department" refers to the Department of Consumer Affairs.

(f) "Board" refers to the California Advisory Board of Home Furnishings.

SEC. 6. Section 19030 of the Business and Professions Code is amended to read:

19030. The Bureau of Furniture and Bedding Inspection in the department under the supervision and control of the chief is continued in existence as the Bureau of Home Furnishings.

SEC. 7. Section 19035 of the Business and Professions Code is amended to read:

19035. The California Advisory Board of Furniture and Bedding in the bureau, which consists of seven members appointed by the Governor, is continued in existence as the California Advisory Board of Home Furnishings.

SEC. 8. Section 19161 of the Business and Professions Code is amended to read:

19161. One year after adoption of regulations by the bureau, but not later than June 7, 1973, all mattresses manufactured for sale in this state, including any mattress manufactured for sale for use in a hotel, motel or other place of public accommodation in this state, shall be fire retardant. One year after adoption of regulations by the bureau, but not later than April 1, 1975, all upholstered furniture sold or offered for sale by a manufacturer or wholesaler for use in this state, including any upholstered furniture sold to or offered for sale for use in a hotel, motel or other place of public accommodation in this state, shall be fire retardant and shall be labeled in a manner specified by the bureau. "Fire retardant," as used in this section means a product that meets the regulations adopted by the bureau.

SEC. 9. Section 19174 of the Business and Professions Code is amended to read:

19174. All fees collected under this chapter shall be reported to the State Controller and paid to the State Treasurer and credited to the Bureau of Furniture and Bedding Inspection Fund which is hereby continued in existence as the Bureau of Home Furnishings Fund, to be expended only in carrying out this chapter.

SEC. 10. The heading of Chapter 3 (commencing with Section 19000) of Division 8 of the Business and Professions Code is amended to read as follows:

CHAPTER 3. HOME FURNISHINGS

SEC. 11. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:
Board of Dental Examiners of California.

Board of Medical Examiners of the State of California and the district review committees.

Board of Osteopathic Examiners of the State of California.

California Board of Nursing Education and Nurse Registration.

State Board of Optometry.

California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Department of Navigation and Ocean Development.
Director of Consumer Affairs.
Bureau of Collection and Investigative Services.
State Fire Marshal.
State Board of Registration for Geologists.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
State Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Board of Behavioral Science Examiners.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
Department of Aeronautics.
Board of Administration, Public Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Home Furnishings.
Cemetery Board.
Department of Conservation.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Repair Services.
California State Board of Landscape Architects.

Department of Alcoholic Beverage Control.

California Horse Racing Board.

School districts under Section 13443 of the Education Code.

State Fair Employment Practice Commission.

Bureau of Employment Agencies.

SEC. 12. Section 6 of Chapter 881 of the 1971 Statutes is amended to read:

Sec. 6. All fees collected attributable to the amendments to Sections 19006, 19007 and 19007.5 of the Business and Professions Code adopted at the 1971 Regular Session of the Legislature shall be reported to the State Controller and paid to the State Treasurer and credited to the Bureau of Home Furnishings Fund to be expended in carrying out the provisions of Chapter 3 (commencing with Section 19000), Division 8 of the Business and Professions Code.

SEC. 13. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 101 of the Business and Professions Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 101 of the Business and Professions Code, as added by Section 2 of this act, which includes changes made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 750

An act to amend Section 1227 of the Financial Code, relating to commercial banks.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1227 of the Financial Code is amended to read:

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 30 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the

loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 90 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, provided, however, such loan may exceed 90 percent of the sound market value of the property or leasehold if that portion of the loan which is in excess of such 90 percent is guaranteed or insured by a qualified private insurer as determined by the superintendent; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 30 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 90 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 60 months, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

CHAPTER 751

An act to add Section 17677 to the Education Code, relating to financial support of the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17677 is added to the Education Code, to read:

17677. Notwithstanding any other provision in this code, any school district which was allowed an increase in the foundation

program pursuant to Section 17676 during the 1971–1972 fiscal year shall be allowed the same increase in the foundation program during the 1972–1973 fiscal year regardless of the outcome of an election held in June of 1972, as required by Section 3100.7.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit school districts which are allowed an increase in their foundation program pursuant to specified authority to continue to receive such increase for the entire 1972–1973 fiscal year, and to permit them to plan their budgets for that year upon such an expectation, it is necessary that this act take effect immediately.

CHAPTER 752

An act to amend Section 19700.66 of the Education Code, relating to financial support of the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 19700.66 of the Education Code is amended to read:

19700.66. No payment of funds may be made pursuant to an apportionment unless the district holds an election at which the electorate of the district approve the acceptance, expenditure, and repayment of at least the amount apportioned pursuant to this article. The election may be held prior to or subsequent to an apportionment. If the electors voting at such election fail to approve the proposition by the same majority required at a district bond election, within nine months from the date of the apportionment, the apportionment and the board's approval of the application become null and void.

Notwithstanding the foregoing, an election held prior to the effective date of Article 9 (commencing with Section 19700.51) of this chapter, pursuant to Section 19590, is valid for the purposes of the foregoing paragraph, provided that the district is not otherwise eligible to receive apportionments under Article 1 (commencing with Section 19551), Article 2 (commencing with Section 19651) and Article 3 (commencing with Section 19681) of this chapter.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that eligible school districts may avail themselves of the funds authorized by this act and undertake needed rehabilitation and replacement of inadequate school facilities at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 753

An act to amend Sections 1167 and 1170 of the Harbors and Navigation Code, relating to pilots, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1167 of the Harbors and Navigation Code is amended to read:

1167. Every pilot licensed pursuant to the terms of this chapter shall take an oath of office in the manner prescribed by law and shall, once in each month, upon blanks to be furnished by the board, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay to the board, exclusive of the amount received which is attributable to the increase in pilotage rates made by the amendment of Section 1170 enacted at the 1972 Regular Session of the Legislature, 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board with the approval of the Director of General Services, in full compensation of the board for its official services, for the services of its secretary and treasurer, and all its incidental expenses.

SEC. 2. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

Seven dollars and fifty cents (\$7.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of seven and seven-tenths mills (\$.0077) per high gross registered ton. A minimum charge for such bar pilotage shall be two hundred dollars (\$200) for each vessel piloted. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 3. It is the intent of the Legislature that the bar pilots for San Francisco, San Pablo, and Suisun Bays shall establish a boat building and equipment replacement trust fund and, from the moneys received pursuant to the increase in pilotage rates made by this act, deposit monthly in such fund an amount sufficient to provide eighty-six thousand dollars (\$86,000) each year for boat building and

equipment replacement purposes, such moneys to be used only for such purposes. It is further the intent of the Legislature that an accounting of such fund moneys shall be made by the pilots, at no cost to the state and as a charge against the fund, to the board, the committee, or any interested party upon proper request.

SEC. 4. This act shall become operative on January 1, 1973.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to implement the findings and recommendations of the San Francisco Pilotage Rate Committee of June 26, 1972, and to increase bar pilotage rates for the Bays of San Francisco, San Pablo, and Suisun and to have rates commensurate with current expenses for such services, and, at the same time, insure future replacement of present equipment, it is essential that this act take effect immediately.

CHAPTER 754

An act to add Section 938.1 to the Education Code, relating to public schools.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 938.1 is added to the Education Code, to read:

938.1. Notwithstanding Section 938, the governing board of a school district may at any time during any school year increase the salaries of any district superintendent of schools and deputy, associate, or assistant superintendent of schools without terminating the term of employment of, and reelecting or reemploying, such employee and such increase may be effective on any date ordered by the governing board.

CHAPTER 755

An act to amend Sections 1816 and 13203 of, to add Section 13105 to, and to repeal Sections 13355, 13355.5, 13356, and 13358 of, the Vehicle Code, relating to juvenile offenses.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1816 of the Vehicle Code is amended to read:
1816. Every judge of the juvenile court, juvenile traffic hearing officer, duly constituted referee of a juvenile court, or other person responsible for the disposition of cases involving traffic offenses required to be reported under Section 1803 committed by persons under 18 years of age shall keep a full record of every case in which a person is charged with such a violation, and shall report the offense to the department at its office in Sacramento not more than 30 days after the date on which it was committed. No report shall be made if it is found that the alleged offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, the date and nature of the offense, and the date the finding was made.

SEC. 2. Section 13105 is added to the Vehicle Code, to read:

13105. For the purposes of this chapter, "convicted" or "conviction" includes a finding by a judge of a juvenile court, a juvenile traffic hearing officer, or referee of a juvenile court that a person has committed an offense, and "court" includes a juvenile court except as otherwise specifically provided.

SEC. 2.5. Section 13203 of the Vehicle Code is amended to read:

13203. In no event shall a court suspend the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void, and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court.

SEC. 3. Section 13355 of the Vehicle Code is repealed.

SEC. 4. Section 13355.5 of the Vehicle Code is repealed.

SEC. 5. Section 13356 of the Vehicle Code is repealed.

SEC. 6. Section 13358 of the Vehicle Code is repealed.

CHAPTER 756

An act to amend Sections 53649, 53651, 53660, 53663, 53665, and 53668 of, and to repeal Sections 53651 and 53662 of, the Government Code, relating to local government.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 53649 of the Government Code is amended to read:

53649. The treasurer is responsible for the safekeeping of money in his custody and shall enter into any contract with a depository which in his judgment is to the public advantage. The depository, and the agent of depository to the extent the agent of depository has been notified of deposits and the amount thereof, are responsible for securing moneys deposited pursuant to such a contract in accordance with Section 53652. One copy of each such contract shall be filed with the auditor, controller, secretary or corresponding officer of the local agency. The contract shall:

- (a) Fix the duration of deposits.
- (b) Fix the interest rate, if any.
- (c) Provide conditions for withdrawal and repayment.
- (d) Provide for placement of pooled securities in a named agent of depository in accordance with Section 53656.
- (e) Grant authority for agent of depository to place securities for safekeeping in accordance with Section 53659.
- (f) Set forth in accordance with Section 53665 the conditions upon which the administrator shall order pooled securities converted into money for the benefit of the local agency, and the procedure therefor.

(g) Provide for compliance in all respects with the provisions of this article and other applicable provisions of law.

SEC. 2. Section 53651 of the Government Code as amended by Chapter 434 of the Statutes of 1971, is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local

agency or district, and in addition, sales tax revenue bonds, and revenue bonds and other obligations payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, bonds of any federal home loan bank established under said act, and obligations of the Tennessee Valley Authority.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

(h) State of California notes.

(i) Bonds, notes, certificates of indebtedness, warrants or other obligations issued by: (1) any state of the United States (except this state), or the Commonwealth of Puerto Rico, or any local agency thereof having the power to levy taxes, without limit as to rate or amount, to pay the principal and interest of such obligations, or (2) any state of the United States (except this state), or the Commonwealth of Puerto Rico, or a department, board, agency or authority thereof, which are payable solely out of the revenues from a revenue-producing source owned, controlled or operated thereby; provided such obligations issued by an entity described in subsection (1) are rated in one of the three highest grades, and such obligations issued by an entity described in subsection (2) are rated in one of the two highest grades by a nationally recognized investment service

organization that has been engaged regularly in rating state and municipal issues for a period of not less than five years.

(j) Obligations issued or guaranteed by the International Bank for Reconstruction and Development, Inter-American Development Bank, and the Government Development Bank of Puerto Rico.

(k) Participation certificates of the Export-Import Bank of the United States.

This section shall become inoperative and is repealed on the operative date of Section 53651 of the Government Code as amended by Section 2.5 of the chapter amending this section at the 1972 Regular Session.

SEC. 2.5. Section 53651 of the Government Code, as amended by Chapter 434 of the Statutes of 1971, is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, sales tax revenue bonds, and revenue bonds and other obligations payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks

for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, bonds of any federal home loan bank established under said act, and obligations of the Tennessee Valley Authority.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

(h) State of California notes.

(i) Obligations issued or guaranteed by the International Bank for Reconstruction and Development, Inter-American Development Bank, and the Government Development Bank of Puerto Rico.

(j) Participation certificates of the Export-Import Bank of the United States.

SEC. 3. Section 53660 of the Government Code is amended to read:

53660. When deposits of a local agency are secured by pooled securities pursuant to Section 53656, the agent of depository shall make available to the treasurer for review at a mutually agreed upon time and location the following information which may be in the form of a copy of the report required in Section 53661(c):

(a) A certification that there are securities in the pool having a market value at least 10 percent in excess of all deposits reported by the depository which are secured by such pool and

(b) A certified report of the individual securities then on deposit in the pool with the location and total market value thereof and

(c) The total amount of deposits then reported by the depository to be secured by the pool.

SEC. 3.5. Section 53662 of the Government Code is repealed.

SEC. 4. Section 53663 of the Government Code as amended by Chapter 434 of the Statutes of 1971, is amended to read:

53663. (a) Each agent of depository shall report in writing to the administrator within two business days after any withdrawal, substitution or addition of pooled securities and shall state the name and market value of the securities withdrawn, substituted or added together with the total deposits then secured by the pool. This information shall be available from the administrator to the treasurer upon request.

(b) Each depository shall report in writing to the administrator weekly, giving the total amount of all deposits held by such depository pursuant to this article. Such report shall be as of close of business on Wednesday of each week and shall be filed in the office of the administrator within five business days.

SEC. 5. Section 53665 of the Government Code is amended to read:

53665. If a depository fails to pay all or part of the deposits of a local agency secured by pooled securities in accordance with the contract provided for in Section 53649, and on demand of its treasurer or other authorized official, the treasurer shall notify the administrator in writing who then shall require by written instruction the agent of depository holding the pooled securities to convert into money such portion of the pooled securities as may be necessary to produce an amount equal to the deposits of the local agency plus any accrued interest due and to pay such amount to the treasurer in satisfaction of such deposits. Any moneys resulting from such conversion in excess of the amount of such deposits plus any accrued interest due shall be retained by the agent of depository as part of the trust pool until the depository substitutes for such excess moneys securities having a market value sufficient to bring the total of pooled securities up to the amount required by Section 53652.

SEC. 6. Section 53668 of the Government Code is amended to read:

53668. Each depository shall render quarterly to the treasurer a statement showing the daily balances or amount of money of the local agency held during the calendar quarter and the amount of accrued interest thereon separately. One copy shall be filed by the treasurer with the auditor, controller, secretary, or corresponding officer of the local agency.

SEC. 7. Section 53651 as set forth in Section 2.5 of this act shall become operative on January 1, 1976.

CHAPTER 757

An act to amend Sections 18008, 18010.5, 18055, and 18056 of, and to repeal Sections 18003, 18009, and 18013 of the Health and Safety Code, relating to vehicles.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18003 of the Health and Safety Code is repealed.

SEC. 2. Section 18008 of the Health and Safety Code is amended to read:

18008. "Mobilehome" is a vehicle designed and equipped to contain not more than two dwelling units to be used without a permanent foundation.

SEC. 3. Section 18009 of the Health and Safety Code is repealed.

SEC. 4. Section 18010.5 of the Health and Safety Code is amended to read:

18010.5. "Recreational vehicle" is a motorhome, travel trailer,

truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

SEC. 5. Section 18013 of the Health and Safety Code is repealed.

SEC. 6. Section 18055 of the Health and Safety Code is amended to read:

18055. It is unlawful for any person to sell, offer for sale, rent, or lease within this state, any mobilehome manufactured after September 1, 1958, or recreational vehicle manufactured after November 13, 1968, or any trailer coach designed or used for industrial, professional, or commercial purposes manufactured after May 25, 1967, or commercial coach manufactured after November 23, 1970, containing plumbing, heat-producing, or electrical equipment unless such equipment meets the requirements of the commission for such equipment and installations. The commission is authorized to promulgate such rules and regulations which shall be reasonably consistent with recognized and accepted principles for plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing, and electrical equipment and installations.

SEC. 7. Section 18056 of the Health and Safety Code is amended to read:

18056. All mobilehomes, recreational vehicles, and commercial coaches which are sold, offered for sale, rented, or leased within this state shall bear insignia of approval issued by the department to indicate compliance with the regulations of the commission, adopted pursuant to this part, which were in effect on the date of manufacture of the mobilehome, recreational vehicle or commercial coach.

The department may issue insignia for mobilehomes, recreational vehicles, or commercial coaches manufactured prior to the effective dates of the appropriate regulations which meet the requirements of this part or the regulations adopted pursuant thereto in effect at the time of such issue. It is unlawful for any person to remove, or cause to be removed, an insignia of approval without prior authorization by the department.

CHAPTER 758

An act to add Section 13110.5 to the Health and Safety Code, relating to fires.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13110.5 is added to the Health and Safety Code, to read:

13110.5. The State Fire Marshal shall gather statistical information on all fires occurring within this state. Beginning January 1, 1974, the chief fire official of each fire department operated by the state, a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection, shall furnish information and data to the State Fire Marshal relating to each fire which occurs within his area of jurisdiction. The State Fire Marshal shall adopt regulations prescribing the scope of the information to be reported, the manner of reporting such information, forms to be used, the time such information shall be reported and other requirements and regulations as he determines necessary.

The State Fire Marshal shall annually analyze the information and data reported, compile a report, and disseminate a copy of such report together with his analysis to each chief fire official in the state. The State Fire Marshal shall also furnish a copy of his report and analysis to any other interested person upon request.

CHAPTER 759

An act to amend Section 1241 of, and to add Section 1242.5 to, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1241 of the Business and Professions Code is amended to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. If direct or indirect referred

work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections.

(e) The California Youth Authority.

SEC. 1.5. Section 1241 of the Business and Professions Code is amended to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections.

(e) The California Youth Authority.

(f) A nonprofit corporation or association, which contracts with or employs individual licensed physicians and surgeons to render medical care and the operations of which are directly funded at least 80 percent by the United States government, for laboratory work performed on the patients of such physicians and surgeons and under the supervision of such physicians and surgeons. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

SEC. 2. Section 1242.5 is added to the Business and Professions Code, to read:

1242.5. The board may by regulation authorize unlicensed laboratory personnel who are employed as pulmonary technicians in respiratory services or cardiopulmonary laboratories of licensed hospitals to perform venipuncture, arterial puncture, or skin puncture for the purposes of withdrawing blood or for test purposes as defined by regulations established by the board. The board shall establish the minimum training required for such persons. This section shall remain in effect for two years commencing on the date this section becomes effective, and after the expiration of such two-year period shall have no force or effect.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 621 are both chaptered and amend Section 1241 of the Business and Professions Code, and this bill is chaptered after Senate

Bill No. 621, that the amendments to Section 1241 proposed by both bills be given effect and incorporated in Section 1241 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 621 are both chaptered, both amend Section 1241, and Senate Bill No. 621 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 760

An act to amend Section 25007 of, and to add Section 25000.5 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 10, 1972 Filed with
Secretary of State August 10, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 25000.5 is added to the Business and Professions Code, to read:

25000.5. (a) Every beer manufacturer, whether located within or without the state, who sells and distributes beer in this state shall designate territorial limits in the state within which the brands of beer manufactured by him may be sold by wholesalers of beer to retail licensees.

(b) A wholesaler of beer shall not file a written schedule of selling prices to be charged by that licensee for any brand of beer unless he has first entered into a written agreement, with the manufacturer of that brand, which sets forth the territorial limits within which the brand shall be distributed by the wholesaler. A copy of such agreement, and any amendments thereto, shall be filed with the department.

SEC. 2. Section 25007 of the Business and Professions Code is amended to read:

25007. Except as provided in Section 25000.5, no manufacturer, importer, or wholesaler mentioned in this chapter is prohibited the right of choice of customers.

CHAPTER 761

An act to amend Sections 2, 13.1, and 26 of, to add Sections 1.1, 4.1, 4.45, 4.6, 4.7, 14.15, 16.1, 29, 30, 31, 32, 33, 34, 35, and 36 to, and to repeal Sections 4.2, 4.6, and 4.7 of, the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), relating to the Sutter County Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.1 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 1.1. The board of directors of the agency created by this act, by resolution thereof adopted from time to time, may establish zones within the agency without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from such zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided, or superimposed zones by metes and bounds and entitling each of such zones by a zone number.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in a manner prescribed in Section 30 of this act.

SEC. 2. Section 2 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is amended to read:

Sec. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Sutter County Water Agency.

(b) "County" or "principal county" is the County of Sutter of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes, but shall not be limited to, the following:

(1) Dams and damsites, reservoirs and reservoir sites, and all

conduit and other facilities useful in the control, conservation, diversion, and transmission of water;

(2) Storm drain and flood control improvements, watercourses, drainage channels, conduits, ditches, canals, pumping plants, levees, and other structures or facilities utilized for controlling drainage waters within the agency, or for the control of flood or storm waters of streams in, or running into, the agency and which such facilities and improvements are required either for the protection of life and property therein or for the purpose of conserving any waters for beneficial use within the agency;

(3) All land, property, franchises, easements, rights-of-way, and privileges necessary or useful to operate or maintain any of the foregoing facilities and improvements.

(f) "District" means any of the following lying within or partially within the agency; irrigation districts, county water districts, water conservation districts, municipalities, flood control districts, reclamation districts, storm drain maintenance districts, county drainage districts, and any other districts or political subdivisions of the state empowered by law to appropriate water to deliver water to water users, or to control drainage, storm, flood, or other waters within the county, and drainage, flood, and storm waters which have sources outside the county but which flow into the county.

(g) "Member unit" means any district which enters into a contract with the agency for (i) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency or such district, or for (ii) the underwriting in whole or in part of any or all of such construction costs, or for (iii) the repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for (iv) the payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" means a resident of the agency who is qualified under the laws of the State of California to vote at a general election.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Zone" means any area designated within the county created in order to finance, construct, acquire, reconstruct, maintain, operate, extend, repair, or otherwise improve any work or improvement of common benefit to such zone or participating zones.

SEC. 3. Section 4.1 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 4.1. The agency shall have the power: to control drainage waters within the agency; to control flood and storm waters within

the agency and the flood and storm waters of streams outside of the agency, which flow into the agency; to conserve such waters by storage in surface reservoirs, and to divert and transport such waters for beneficial uses within the agency; to release such waters from surface reservoirs in order to replenish and augment the supply of waters in natural underground reservoirs; to save or conserve in any manner all or any of such waters; to reduce the waste of water; and to protect the watercourses, watersheds, public highways, and life and property within the agency from damage from any such drainage or flood and storm waters.

SEC. 4. Section 4.2 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is repealed.

SEC. 5. Section 4.45 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 4.45. The agency shall have the power to adopt and carry out any definite plan or system for accomplishing, facilitating, or financing all work which may lawfully be accomplished by the agency and to enforce such plan or system by resolution or ordinance.

The agency shall have the power (1) to prescribe, revise, and collect fees and charges for facilities furnished or to be furnished to any new building, improvement, or structure by the use of any flood control, storm, or drainage system constructed or to be constructed in a zone of the agency, and (2) whenever a drainage or flood control problem is referred to the agency by the County of Sutter, or any incorporated city therein, or any district therein, to require the installation of drainage or flood control improvements necessary or convenient for the needs of any zone, including, but not limited to, residential, subdivision, commercial, and industrial drainage and flood control needs. The agency may make reimbursement agreements pursuant to which the agency may provide for owners or developers of property to install such improvements and for reimbursement of that part of the cost of such improvements in excess of any fees required with respect to the property of the owner or developer, and such agreements may provide for the agency to pay interest not to exceed 7 percent per annum on the unpaid balance. The county, cities, and districts therein are hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the agency for solution. Revenues derived under this section shall be used (1) to acquire, construct, reconstruct, maintain, and operate any of the flood control, storm water, or drainage facilities within the zone collecting the revenue, (2) to comply with any reimbursement agreement made for the acquisition, construction, or reconstruction of any such facilities, (3) to reduce the principal or interest of any bonded indebtedness thereof, or (4) to replace funds expended on behalf of the zone derived from the funds created under the authority of subdivision (1) of Section 14.15.

The provisions of this section shall not apply to the financing,

construction, acquisition, reconstruction, maintenance, operation, extending, repair, or other improvement to any work or improvement designed or intended primarily for the production, conservation, transmission, distribution, and sale of ground and surface waters for the present or future beneficial use or uses of the lands or inhabitants within the agency or any zone thereof created for such purpose.

SEC. 6. Section 4.6 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is repealed.

SEC. 7. Section 4.6 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 4.6. The agency shall have the power to make surveys and investigations for works and projects relating to control of drainage, storm, and flood waters within or flowing into the agency or of the water supply and resources of the agency. It may carry on and perform technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water, water rights, use of water both within and without the agency, or to the control of drainage, storm, and flood waters both within and which now flow into the agency. For these purposes the agency shall have the right of access through its authorized representatives to all properties within the agency.

SEC. 8. Section 4.7 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is repealed.

SEC. 9. Section 4.7 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 4.7. The agency shall have the power to construct its pipes, pipelines, canals, flumes, tunnels, conduits, or drainage or flood control facilities and improvements, along, under, or across any public road, street, alley, avenue, highway or sidewalk, levee, stream of water, watercourse, railway, canal, ditch, or flume which the route or location of such pipes, pipelines, canals, flumes, tunnels, conduits, or drainage and flood control facilities and improvements may lie parallel to, intersect, or cross; provided, such works are constructed in such manner as to afford security for life and property; and the agency shall restore at its own expense any such crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company, municipality, or district whose right-of-way is affected hereby shall unite with the agency in permitting the construction of such water distribution, drainage, or flood control facilities as herein provided and in granting the necessary rights-of-way therefor, subject to such reasonable conditions as such company, municipality, or district may impose.

SEC. 10. Section 13.1 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is amended to read:

Sec. 13.1. The agency shall have no power to incur any bonded indebtedness except as expressly provided for in this act.

SEC. 11. Section 14.15 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 14.15. The board shall have the power, in any year:

(1) To levy ad valorem taxes or assessments:

(a) To pay the general administrative costs and expenses, including maintenance and operation of established works, of the agency,

(b) To carry out any of the objects or purposes of this act of common benefit to the agency, and

(c) To provide a fund which may be used by the agency to pay the costs and expenses of constructing or extending any or all works established within or on behalf of any zone or participating zones within the agency; provided, that funds so used are replaced from funds derived from either of the following sources:

(i) Taxes or assessments levied pursuant to subdivisions (3) or (4) of this section within the zone or participating zones benefited by such construction in the year or years immediately following the use of the funds; or

(ii) Fees or charges collected under authority of Section 4.45.

(2) Taxes or assessments may be levied for purposes of subdivision (1) by either of the following methods:

(a) By a levy or assessment upon all property within the agency, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within the agency, including both land and improvements thereon.

(3) To levy taxes or assessments in any zone to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of the zone, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of the zone, according to the benefits derived or to be derived by the zone, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon. It is declared that for the purposes of any tax or assessment levied pursuant to this subdivision, the property so taxed or assessed within a given zone is equally benefited.

(4) To levy assessments upon any property in any zone, according to the provisions and procedures of the Improvement Act of 1911 (Division 7, commencing with Section 5000, Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10, commencing with Section 8500, Streets and Highways Code), or the Municipal Improvement Act of 1913 (Division 12, commencing with Section 10000, Streets and Highways Code).

(5) To levy and collect a special tax or assessment upon the property in any zone within the agency for the purpose of raising

funds to make payments pursuant to any contract entered into with another governmental agency pursuant to Section 6.2 of this act when the contract requires the governmental agency to perform work in any specified zone or participating zones for its or their particular benefit and also requires the agency to pay such governmental agency a sum of money in consideration or subvention for the performance of the work. The tax or assessment levied pursuant to this subdivision shall be in addition to any other tax or assessment herein otherwise provided.

Taxes or assessments levied pursuant to this section shall be levied and collected together with, and not separately from, taxes for county purposes. The revenues derived from the agency taxes or assessments shall be paid into the county treasury to the credit of the agency or the respective zones thereof, as the case may be, and the board shall have the power to control and order the expenditure thereof for the purposes for which the tax or assessment was levied; provided, however, that no revenues, or portions thereof, derived in any of the several zones from taxes or assessments levied under the provisions of subdivision (3) of this section shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any zone other than the zone in which the work or improvement was or is to be done, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of joint projects between two or more zones, such zones are, and shall be referred to as, participating zones.

The provisions of this section shall not apply to the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair, or other improvements to any work or improvement designed or intended primarily for the production, conservation, transmittal, distribution, and sale of ground and surface waters for the present or future beneficial use or uses of the lands or inhabitants within the agency or any zone thereof created for such purpose.

SEC. 12. Section 16.1 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 16.1. The board of directors may issue and sell the agency or zone bonds authorized at not less than 95 percent par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the agency for the uses and purposes of the bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and such funds shall be applied exclusively to the purposes and objects for which such bonds were issued, subject to the provisions in this act contained. Payments from these funds shall be made upon demands prepared, presented, allowed, and audited in the same manner as demands upon the funds of the county. The bonds shall be sold at a public sale to the highest bidder, after notice of such sale has been given by publication in the agency pursuant to Section 6061 of the Government Code at least

one week prior to such sale, and after such other notice as the board of directors may deem proper.

The manner of making, submitting, and opening bids and conducting such sale and the terms thereof shall be determined by the board of directors. The board is hereby given the right to reject any and all bids which in the judgment of the board are too low to be in the best interests of the agency.

SEC. 13. Section 26 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is amended to read:

Sec. 26. The Legislature hereby finds that water problems in the County of Sutter require countywide water conservation, flood control, development of water resources, and the control of drainage, storm flood, and other waters; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the Sutter County Water Agency; that the county for many years has made investigations and engineering surveys of the county's water resources and drainage problems by private, public, and United States engineers; that county water districts, municipalities, irrigation districts, and reclamation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county; that the rapid growth of population and urban development over widespread portions of the county have created drainage problems which cannot be economically resolved through existing districts; that to adequately and feasibly control the drainage, storm, flood, and other waters of the county it is necessary to have a political entity at least coextensive with the geographical limits of the entire county; and that the geography of the county is such that there are several drainage areas and noncontiguous watersheds therein. It is therefore hereby declared that a general law cannot be made applicable to said county, and that the enactment of this special law is necessary for the conservation, development, control, and use of said water for the public good and for the protection of life and property therein.

SEC. 14. Section 29 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 29. The agency shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the agency as a whole; or
2. For the common benefit of two or more zones hereinafter referred to as participating zones; or
3. For the benefit of a single zone.

SEC. 15. Section 30 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 30. The agency may institute projects for single zones and joint projects for two or more zones, for the financing, constructing,

maintaining, operating, extending, repairing, or otherwise improving any work or improvement of common benefit to such zone or participating zones. All powers and duties of the agency may be exercised or performed on behalf of and within a zone of the agency. For the purpose of acquiring authority to proceed with any such project, the board of directors shall adopt a resolution setting forth the proposed boundaries and specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones of participating zones and fixing a time and place for public hearing of the resolution and which shall refer to a map or maps showing the general location and general construction of such project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to such hearing, the last publication of which notice must be at least seven days before such hearing, in a newspaper of general circulation designated by the board, circulated in such zone or each of such participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to such hearing in five public places designated by the board, in such zone or in each of such participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person. The map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written or oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project, modify it, or proceed with the same, unless prior to the conclusion of the hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project shall be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 16. Section 31 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 31. Each year at the time the board fixes and levies taxes for agency purposes, it shall also fix the rates of zone taxes and shall levy the taxes upon the zone. The zone rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, during the current fiscal year. The tax in any one fiscal year shall not exceed an aggregate of twenty-five cents (\$.25) on each one hundred dollars (\$100) of assessed valuation of the taxable property in the zone for any and all zone projects or works of improvement unless the excess is

authorized at an election as provided in this section.

The taxes levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other agency taxes and assessments. All funds collected by reason of the tax shall be expended only on behalf of the zone and only for the purpose for which the zone was formed, as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it is in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone tax in excess of twenty-five cents (\$0.25) on each one hundred dollars (\$100) of assessed valuation of the taxable property in the zone, it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question to the voters of the zone as to whether or not the taxes in excess of twenty-five cents (\$0.25) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the zone shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places in the zone. If a majority of the votes cast favor such tax rate, the board may thereafter tax not to exceed such new rate.

The taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from agency taxes or assessments shall be paid into the county treasury to the credit of the agency, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for such purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of joint projects between two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 17. Section 32 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 32. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may, by resolution, determine and declare the respective amounts of zone bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of the

bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Sutter County within five days after its issuance. From and after the filing of the copy of such resolution the board shall be deemed vested with the authority to proceed with the zone bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in the zone or participating zones at which shall be submitted to the qualified electors of the zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in the resolution and for the purpose or purposes therein stated. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) The board shall call such special zone bond election by ordinance and not otherwise and submit to the qualified electors of the zone or participating zones the proposition of incurring a bonded debt in the zone or participating zones in the amount and for the purposes stated in the resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by the board, and on file for particulars; and the ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on the indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 7 percent per annum. For the purposes of the election, the board shall in the ordinance establish special zone bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in the district to a number not to exceed six general precincts for each such special zone bond election precinct, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each of such special bond election precincts.

In all particulars not recited in the ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the county courthouse for public inspection for at least 30 days before the date fixed for such election.

The ordinance calling for such special zone bond election shall,

prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least 14 days before the election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least 30 days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by such election. If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 18. Section 33 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 33. The board shall, subject to the provisions of this act, prescribe by resolution the form of the zone bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Zone bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date, and at a place, to be fixed by the board and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of the indebtedness shall have been paid.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a lesser denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the days and at the place fixed in the bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 percent per annum, and shall be made payable annually or semiannually, and the bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of the agency, and the seal of the agency shall be affixed thereto by the clerk of the board. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 19. Section 34 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 34. The board may issue and sell the zone bonds of such zones authorized as provided in Section 16.1. The proceeds of the sale of such bonds shall be placed in the Treasury of the County of Sutter

to the credit of the agency and the respective participating zones thereof, for the uses and purposes of the zone or zones voting the bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and the respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special zone bond election, subject to the provisions in this act contained. Payments from the zone funds shall be made upon demands prepared, presented, allowed, and audited in the same manner as demands upon the funds of the County of Sutter.

SEC. 20. Section 35 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 35. Any zone bonds issued under the provisions of this act shall be a lien upon all property of the zone or zones of issuance. Zone bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all property within the zone or participating zones and all property in the zone or participating zones shall be and remain liable to be taxed for such payments. No zone nor property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Zone bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of the treasurer to receive and register the bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor, which receipts shall be personal to the respective holders and not transferable. Such bonds shall be returned to such holders thereof, or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. The treasurer, at the request of such holder, or such personal representative may detach and deliver to such holder or personal representative mature coupons from time to time, first taking receipts therefor.

SEC. 21. Section 36 is added to the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to read:

Sec. 36. The board shall levy a tax each year upon all property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of zone bonds as is due or to become due before the time for making the next general tax levy. Such taxes shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the County Treasury of Sutter County to the credit of the zone of payment, and be used for the payment of the principal and interest on the bonds, and for no other purpose.

The principal and interest on the bonds shall be paid by the County Treasurer of Sutter County in the manner provided by law for the payment of principal and interest on bonds of the county.

SEC. 37. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act authorize the Sutter County Water Agency to control drainage water within the agency. Such waters constitute a danger to the health and safety of the residents of the agency, and such control is needed at the earliest possible time. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 762

An act to amend Section 5558 of, and to add Sections 5506.5, 5538.5, and 5545.6 to, the Public Resources Code, relating to regional park districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5506.5 is added to the Public Resources Code, to read:

5506.5. If the exterior boundaries of a proposed district are coterminous with the exterior boundaries of the County of Marin, proceedings for formation of such district may, in lieu of a petition, be initiated by resolution of the board of supervisors of such county.

The resolution may specify that the board of supervisors shall act, ex officio, as the governing body of the district. In such cases, the provisions of this article pertaining to the election of district directors shall not apply and all powers and authority of the district shall be vested in the board of supervisors of the county in its capacity as the governing body of the district.

SEC. 2. Section 5538.5 is added to the Public Resources Code, to read:

5538.5. If the Board of Supervisors of the County of Marin acts as the governing body of a district pursuant to Section 5506.5, officers and employees of the County of Marin shall act, ex officio, as officers and employees of the district and discharge the authority and responsibility specified in this article.

SEC. 3. Section 5545.6 is added to the Public Resources Code, to read:

5545.6. Any tax imposed under Section 5545 by a district formed pursuant to Section 5506.5 shall be used exclusively for the

acquisition of open-space, park, or recreation lands or for the development, operation, or maintenance of open-space, park, or recreation lands so acquired.

SEC. 4. Section 5558 of the Public Resources Code is amended to read:

5558. The board shall superintend, control, and make available to all of the inhabitants of the district, subject to its rules and regulations, all public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation belonging to the district or under its control.

It shall regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such public parks, playgrounds, beaches, parkways, scenic drives, boulevards, open spaces, and other facilities for public recreation, and it shall employ a suitable police force and shall make all rules and regulations for the government and use of all the lands under its care.

It shall, in general, do all acts necessary to the proper execution of the powers and duties granted to, and imposed upon, the board by the provisions of this article, and to manage and control the business and affairs of the district.

Notwithstanding any other provision of this section, the board of any district organized pursuant to Sections 5506.5 and 5538.5 may designate and employ officers and employees of the county in which the district is located as the district police force required by this section.

SEC. 5. The Legislature hereby declares that there are unique problems involved in meeting the recreational needs of the people of the County of Marin, taking into consideration such factors as the county's topography, natural resources, population density, and the proximity of urban centers of large and expanding population to open space lands and other lands of high recreational value, and, therefore, a general law cannot be made applicable and the enactment of Sections 1 and 2 of this act as a special law is necessary.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that an election for the purpose of determining whether a regional park district shall be created and established in Marin County may be held concurrently with the general election to be held on November 7, 1972, it is necessary that this act go into effect immediately.

CHAPTER 763

An act to add Section 39153.5 to, and to repeal Sections 39083 and 39090 of, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 39083 of the Health and Safety Code is repealed.

SEC. 2. Section 39090 of the Health and Safety Code is repealed.

SEC. 3. Section 39153.5 is added to the Health and Safety Code, to read:

39153.5. The provisions of subdivision (m) of Section 39052 and of Section 39152 shall not apply to motor vehicles under 6,001 pounds, manufacturer's maximum gross vehicle weight, if the manufacturer thereof advises the board in writing that the manufacturer does not intend to sell more than 1,000 motor vehicles in California in a given model year, and the manufacturer does not sell more than 1,000 motor vehicles of its make in such a year. Nothing herein shall be construed to prohibit the board from requiring testing by the applicable approval test procedure of up to 2 percent of the motor vehicles of such a manufacturer sold in California. This section shall not apply to 1976 and later model year motor vehicles.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will apply to 1973 year model motor vehicles, for which production soon will begin. Therefore, it is necessary that this act take effect at the earliest possible time.

CHAPTER 764

An act to amend Section 451 of the Evidence Code, relating to judicial notice.

[Approved by Governor August 10, 1972. Filed with
Secretary of State August 10, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 451 of the Evidence Code is amended to read:

451. Judicial notice shall be taken of:

(a) The decisional, constitutional, and public statutory law of this

state and of the United States and the provisions of any charter described in Section 3, 4, or 5 of Article XI of the California Constitution.

(b) Any matter made a subject of judicial notice by Section 11383, 11384, or 18576 of the Government Code or by Section 1507 of Title 44 of the United States Code.

(c) Rules of professional conduct for members of the bar adopted pursuant to Section 6076 of the Business and Professions Code and rules of practice and procedure for the courts of this state adopted by the Judicial Council.

(d) Rules of pleading, practice, and procedure prescribed by the United States Supreme Court, such as the Rules of the United States Supreme Court, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Admiralty Rules, the Rules of the Court of Claims, the Rules of the Customs Court, and the General Orders and Forms in Bankruptcy.

(e) The true signification of all English words and phrases and of all legal expressions.

(f) Facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute.

SEC. 2. The amendment of Section 451 of the Evidence Code made by Section 1 of this act does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 765

An act to add Article 4.5 (commencing with Section 30760) to Chapter 2 of Division 17 of the Streets and Highways Code, relating to the Antioch Bridge, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972 Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing with Section 30760) is added to Chapter 2 of Division 17 of the Streets and Highways Code, to read:

Article 4.5. Antioch Bridge

30760. As used in this article:

(a) "Existing bridge" means that bridge connecting the County of Contra Costa near Antioch with the County of Sacramento near Amelia Landing on Sherman Island, known as the Antioch Bridge, together with any existing or new or additional approaches thereto

necessary or desirable to connect the present Routes 4, 84, and 160, or any realignment thereof.

(b) "New bridge" or "new Antioch Bridge" means a new high-level fixed-span bridge across the San Joaquin River near Antioch to be located approximately parallel to and downstream from the existing bridge, together with an above-flood-level approach across Sherman Island and all other approaches thereto necessary or desirable to connect with the present Routes 4, 84, and 160, or any realignment thereof, and including necessary toll collection facilities. The new bridge shall include a lane of not less than eight feet in width for pedestrians and bicycles.

(c) "Authority" means the California Toll Bridge Authority.

(d) "Department" means the Department of Public Works of the State of California.

30761. The department is authorized to modify, improve, reconstruct, and remodel the existing bridge as is necessary to adequately handle anticipated traffic and permit the collection of tolls.

30762. The department shall design and, as soon as economically feasible, construct a new Antioch Bridge. The department shall explore sources of funding other than revenue bond issuance and, if possible, provide a toll-free facility. In this connection, the department shall seek federal funds for construction and shall comply with all federal requirements. If the department secures federal funds for the construction of the new bridge, the department, to the extent possible, shall use federal funds, prior to using state funds or revenue bond funds, to finance such construction.

30763. If the department determines that reimposition of tolls on the existing bridge will not jeopardize the possibility of obtaining federal funds to aid in financing the construction of the new bridge, the authority is authorized to reimpose tolls on the existing bridge. Revenues derived from such tolls shall be used solely for the following purposes:

(a) Modification, improvement, reconstruction, or remodeling of the existing bridge.

(b) To pay the costs of making studies and performing all preliminary work, including, but not limited to, surveys, plans, estimates of costs, right-of-way appraisals and acquisition, engineering studies, layouts, traffic studies, approach studies, consultant fees, and other preliminary expenses found by the department to be necessary preliminary to the issuance and sale of revenue bonds pursuant to the California Toll Bridge Authority Act (commencing with Section 30000) for the construction of the new Antioch Bridge. All revenues collected shall be deposited in the Antioch Bridge Toll Revenue Fund, which is hereby created, and shall be available for expenditure without regard to fiscal years.

(c) As security for the payment of revenue bonds issued to finance the construction of the new Antioch Bridge; provided, however, that the department may discontinue operation of the existing bridge

upon the opening of the new Antioch Bridge to traffic.

30764. For the purpose of obtaining funds to finance the construction of the new Antioch Bridge, the authority is authorized to issue revenue bonds. Except as herein otherwise provided, the provisions of the California Toll Bridge Authority Act (commencing with Section 30000) are hereby made applicable to such revenue bonds, and the authority and the department are authorized to do any and all things pursuant to law necessary to finance and to construct the new Antioch Bridge. The authority may insert in the bond indenture, or the resolution authorizing such bonds, such conditions as it deems necessary. The authority shall pledge the revenues of the new Antioch Bridge, from and after the date it is opened to traffic, as security for the payment of such bonds.

30765. As an alternative method of financing, the authority may issue revenue bonds to finance the construction of the new Antioch Bridge secured by a pledge of the revenues of the parallel Carquinez Bridges, the Benicia-Martinez Bridge, and the new Antioch Bridge. If the work is so financed, the authority shall include in the proceedings for the issuance of such bonds any and all provisions necessary or desirable to refinance, or otherwise provide for the payment of, any outstanding Carquinez Strait Bridges Toll Bridge Revenue Bonds or refunding bonds, and all revenues collected from the operation of the existing bridge and the new Antioch Bridge shall be paid into the same fund as revenues derived from the Carquinez Bridges and Benicia-Martinez Bridge and shall be available for expenditure for the same purposes as the revenues from those bridges.

30766. If the revenue bonds to finance the construction of the new Antioch Bridge are secured by a pledge of the revenues of the parallel Carquinez Bridges, the Benicia-Martinez Bridge, and the new Antioch Bridge, as authorized by Section 30765, all of these bridges may be operated as a single unit. The revenues of each of such bridges need not be accounted for separately, but may be allocated as security for all of the bonds issued, or to be issued, by the authority for these bridges.

30767. Should at any time it become necessary to operate a vehicle or passenger ferry as a substitute for the existing bridge when it is obstructed to traffic because of accident thereto or repair thereof, or is for any reason unable to fully accommodate traffic, any excess of revenue over expenses of operation of that ferry shall be deposited in the Antioch Bridge Toll Revenue Fund, or, if the alternative method of financing authorized by Section 30765 is used, in the same fund as revenues derived from the parallel Carquinez Bridges and the Benicia-Martinez Bridge are deposited in.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of the Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Antioch Bridge has been closed to vehicular traffic for 12

months during the past three years. The 46-year-old structure is extremely vulnerable to damage from marine traffic and to closure as a result of flooding of the approach highway. As a result, highway traffic can be, and has been, disrupted for extended periods of time, with the result that the livelihood of many citizens and the economy of their areas has been seriously damaged. In order that the Department of Public Works may commence work to modernize the present, and to construct new, bridge facilities at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 766

An act making an appropriation for capital outlay at Hearst San Simeon State Historical Monument.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred fifty thousand dollars (\$150,000) from funds accumulated under the provisions of Item 257, Budget Act of 1969, Item 214, Budget Act of 1970, and Item 208, Budget Act of 1971, to be transferred to and in augmentation of Item 317, Budget Act of 1972, in accordance with the following schedule:

- (a) Replace "A" House electrical system..... \$15,000
- (b) Repairs to "A" House for ventilation
and water damage \$45,000
- (c) Repairs to Roman Pool \$90,000

CHAPTER 767

An act to amend Sections 21295 and 21296 of, and to add Sections 20750.01, 20750.11, 20750.21, 20750.31, 20750.415, 20750.43, and 21296.1 to, and to repeal Sections 21297.5, 21298, and 21298.5 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20750.01 is added to the Government Code, to read:

20750.01. The contribution of an employer pursuant to Section 20750 is increased by 0.03 percent of the compensation paid such member by such employer.

SEC. 2. Section 20750.11 is added to the Government Code, to read:

20750.11. The contribution of an employer pursuant to Section 20750.1 is increased by 0.02 percent of the compensation paid such member by such employer.

SEC. 3. Section 20750.21 is added to the Government Code, to read:

20750.21. The contribution of an employer pursuant to Section 20750.2 is increased by 0.02 percent of the compensation paid such member by such employer.

SEC. 4. Section 20750.31 is added to the Government Code, to read:

20750.31. The contribution of an employer pursuant to Section 20750.3 is increased by 0.02 percent of the compensation paid such member by such employer.

SEC. 5. Section 20750.415 is added to the Government Code, to read:

20750.415. The contribution of an employer pursuant to Section 20750.4 is increased by 0.02 percent of the compensation paid such member by such employer.

SEC. 6. Section 20750.43 is added to the Government Code, to read:

20750.43. The contribution of an employer pursuant to Section 20750.42 is increased by 0.02 percent of the compensation paid such member by such employer.

SEC. 7. Section 21295 of the Government Code is amended to read:

21295. Every member retired for disability for whom a different disability retirement allowance is not prescribed by any other provision of this article, including a member who is entitled to an industrial disability retirement allowance if the disability is industrial but who retires for nonindustrial disability, shall receive a disability retirement allowance which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of retirement; and

(b) If, in the opinion of the board, his disability is not due to intemperance, willful misconduct or violation of law on his part, a disability retirement pension derived from the contributions of the state.

SEC. 8. Section 21296 of the Government Code is amended to read:

21296. The disability retirement pension for a member whose effective date of retirement is on or after the operative date of the amendments to this section at the 1972 Regular Session shall be such

an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-fiftieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-third of his final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case the retirement allowance shall not exceed one-third of such final compensation.

Subdivision (b) is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

SEC. 9. Section 21296.1 is added to the Government Code, to read:

21296.1. Every disability retirement pension payable for a member whose effective date of retirement was prior to the operative date of this section and for time commencing on the operative date of this section and ending on the 31st day of March immediately following such operative date, to a state member, or a local member having the same retirement allowance for nonindustrial disability as a state member who was retired prior to said date, is hereby increased to the amount it would be if the amendment to Section 21296 at the 1972 Regular Session of the Legislature had been in effect on the date of retirement of the member. This provision does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the state for any increase in any pension paid or payable for time prior to its operative date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables. The "base allowance" shall be adjusted in the same manner for purposes of annual adjustments under Article 1.5 (commencing with Section 21220) on and after April 1, 1972.

SEC. 10. Section 21297.5 of the Government Code is repealed.

SEC. 11. Section 21298 of the Government Code is repealed.

SEC. 12. Section 21298.5 of the Government Code is repealed.

SEC. 13. This act shall become operative on the first of the month following the month in which statutes enacted at the 1972 Regular Session become effective.

CHAPTER 768

An act to amend Section 18361 of the Education Code, relating to school funds.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18361 of the Education Code is amended to read:

18361. The superintendent shall compute an amount equal to the surplus in each of the county school service funds as of June 30, as shown by each of the budgets for the preceding fiscal year submitted to him pursuant to Section 18351. For the purpose of this article the surplus for each county school service fund is the total beginning balances shown on the budget so submitted, exclusive of trust funds or funds otherwise dedicated. For the purpose of this section trust funds or funds otherwise dedicated are defined as

(1) Unexpended balance of any funds that have accrued to a county school service fund under a grant of federal funds, or a grant of private or foundation funds, required to have been expended for a specified purpose, plus the amounts of county school service fund money committed for the specific purposes as required to receive the grant or trust;

(2) Unexpended balance of any state funds allocated on an average daily attendance basis for the purpose of maintaining juvenile hall schools, regional occupational centers and technical, agricultural, and natural resource conservation schools;

(3) Unexpended balances of a county or school district tax funds the levy for which was to maintain special schools and classes for the mentally retarded and physically handicapped, juvenile hall schools, children's institutions, regional occupational centers, and technical, agricultural, and natural resource conservation schools;

(4) The unexpended balance of any account within the county school service fund contributed by school districts for a specific purpose and from which account expenditures are made by the county superintendent of schools acting as an agent of the districts contributing to the account;

(5) The unexpended balance of the data processing and testing program account resulting from payments by school districts or other public agencies under contract with the county superintendent of schools for the furnishing of data processing and testing program services.

(6) Unexpended funds resulting from payments by school districts or other agencies under contract with the county superintendent which shall be returned to those districts or agencies at the completion of their contract.

(7) Unexpended funds resulting from payments by school districts

or other agencies for costs in excess of basic state aid, state equalization aid, and local tax funds contributed to the foundation program for educationally handicapped classes or programs operated by the county superintendent, and the allowances provided by Section 18102.6 or for costs other than the current expenses of such classes or programs.

CHAPTER 769

An act to amend Sections 13274 and 13732 of the Education Code, relating to public schools.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13274 of the Education Code is amended to read:

13274. Governing boards of school districts shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this state for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of said applicants for such employment.

SEC. 2. Section 13732 of the Education Code is amended to read:

13732. No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, or marital status shall be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

CHAPTER 770

An act to add Section 37042 to the Health and Safety Code, relating to building material.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 37042 is added to the Health and Safety Code, to read:

37042. The commission shall prepare and adopt such minimum

standards regulating the use and application of cellular concrete as it determines are reasonably necessary for the protection of life and property.

CHAPTER 771

An act to amend Sections 10441 and 10450, to amend the heading of Article 6 (commencing with Section 10450) of Chapter 8 of Division 9 of, to add Sections 10009, 10400.5, and 10616 to, and to add Article 6.5 (commencing with Section 10455) to Chapter 8 of Division 9 of, the Health and Safety Code, relating to vital statistics records.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10009 is added to the Health and Safety Code, to read:

10009. "Absence of conflicting information relative to parentage" as used in Chapter 8 (commencing with Section 10400) of this division includes entries such as "unknown," "not given," "refused to state," or "obviously fictitious names."

SEC. 2. Section 10400.5 is added to the Health and Safety Code, to read:

10400.5. The provisions of Section 10400 shall be applicable to certificates of birth only in the absence of conflicting information relative to parentage on the originally registered certificate of birth.

SEC. 2. Section 10441 of the Health and Safety Code is amended to read:

10441. In the absence of conflicting information on the originally registered certificate of live birth, a new birth certificate shall be established by the State Registrar upon receipt of such an affidavit for any child born in this state and whose certificate of birth is on file in the office of the State Registrar.

SEC. 4. The heading of Article 6 (commencing with Section 10450) of Chapter 8 of Division 9 of the Health and Safety Code, is amended to read:

Article 6. Amendment of Birth Record After
Adjudication of Facts of Parentage

SEC. 5. Section 10450 of the Health and Safety Code is amended to read:

10450. Whenever the facts of parentage, including the paternity or nonpaternity of a child, have been established by judicial decree, and upon receipt of a certified copy of the court order, application,

and payment of the required fee, the State Registrar shall establish a new birth certificate for such child, and all records relating to this birth shall be handled in the manner prescribed in Article 5 (commencing with Section 10440) of this chapter, if the original record of birth is on file in the office of the State Registrar.

SEC. 6. Article 6.5 (commencing with Section 10455) is added to Chapter 8 of Division 9 of the Health and Safety Code, to read:

**Article 6.5. Amendment of Birth Record After
Acknowledgment of Paternity**

10455. Whenever the mother and father acknowledge paternity of a child by affidavit, and in the absence of conflicting information on the originally registered certificate of live birth, an application including the affidavits may be filed with the office of the State Registrar upon a form provided for that purpose.

10456. Upon receipt of the application and payment of the required fee, and in the absence of conflicting information on the originally registered certificate of live birth, the State Registrar shall review the application for acceptance for filing, and if accepted shall establish a new birth certificate for such child, and all records relating to this birth shall be handled in the manner prescribed in Article 5 (commencing with Section 10440) of this chapter, if the original record of birth is on file in the office of the State Registrar.

10457. The State Registrar shall furnish a certified copy of the new record of birth prepared under authority of this article to the registrant with additional cost.

SEC. 7. Section 10616 is added to the Health and Safety Code, to read:

10616. A fee of five dollars (\$5) shall be paid to the State Registrar by the applicant for the establishment of a new record of birth under the provisions of Article 6.5 (commencing with Section 10455) of Chapter 8 of this division.

SEC. 8. This act shall become operative on the first day of the month following the effective date of this act, or on January 1, 1973, whichever is later.

CHAPTER 772

An act to add Section 1753.1 to the Welfare and Institutions Code, relating to the Youth Authority and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1753.1 is added to the Welfare and Institutions Code, to read:

1753.1. (a) The Director of the Youth Authority may enter into agreements with any federal agency authorizing the use of the Youth Authority's facilities and services for the confinement, care and treatment of persons otherwise not under its jurisdiction when suitable facilities and services are available. The costs of the services provided by the Youth Authority shall be borne by the agency referring the person to the Director of the Youth Authority. The Director of the Youth Authority may order the person returned to the agency referring him when suitable facilities or services are not available. Any such person referred to the Youth Authority pursuant to this section shall be subject to its rules and regulations.

(b) As used in this section, "person" means any person under the age of 26 years who is under the jurisdiction of a Federal Correctional Agency pursuant to federal law.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the present time federal detention facilities for the involuntary confinement, care, and treatment of persons are dangerously overcrowded. As a result of this overcrowding, prisoners are being transported out of the state for detention. The risks to the public security engendered by this transporting and overcrowding are immediate. This act is necessary to relieve such conditions by enabling federal correctional agencies to use available facilities of the Youth Authority.

CHAPTER 773

An act to amend Sections 23151.1, 23181, 23183, and 23332 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23151.1 of the Revenue and Taxation Code, as added by Chapter 1304 of the Statutes of the 1971 Regular Session of the Legislature, is amended to read:

23151.1. Notwithstanding Section 23151, every corporation (except financial corporations) doing business within the limits of this state and not exempted from taxation by the provisions of the Constitution of this state or by this part, shall annually pay to the state for the privilege of exercising its corporate franchises within this state, a tax determined as follows:

(a) With respect to corporations which commence doing business within the state after December 31, 1971, the tax for the taxable year of commencement, whether or not for 12 full months, shall be the minimum franchise tax prescribed in Section 23153.

(b) With respect to taxable years beginning after December 31, 1972, other than the first taxable year described in subdivision (a) and the final taxable year described in subdivisions (c) or (d), a tax according to or measured by its net income, to be computed at the rate prescribed in Section 23151 upon the basis of its net income for the next preceding income year.

(c) With respect to corporations which cease doing business, dissolve or withdraw after December 31, 1972, the tax for the taxable year during which such cessation, dissolution or withdrawal takes place shall be:

(1) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income for the next preceding income year, plus

(2) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income of the taxable year during which the corporation ceases doing business, dissolves or withdraws.

(d) If after December 31, 1972, a corporation commences to do business and ceases doing business, dissolves or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such taxable year, to be computed at the rate prescribed in Section 23151.

(e) In the case of a taxpayer which ceased doing business before January 1, 1973, but dissolved or withdrew on such date or thereafter, the tax for the taxable year of the dissolution or withdrawal shall be:

(1) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income

for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income, to be computed at the rate prescribed in Section 23151, upon the basis of its income of the taxable year during which the corporation ceased doing business.

(f) In any event, the tax shall be not less than the minimum tax prescribed in Section 23153.

SEC. 2. Section 23181 of the Revenue and Taxation Code is amended to read:

23181. (a) An annual tax is hereby imposed upon every bank located within the limits of this state according to or measured by its net income, upon the basis of its net income for the next preceding income year at the rate provided under Section 23186. With respect to the taxation of national banking associations, the state adopts the method numbered (4) authorized by the act of March 25, 1926, amending Section 5219 of the Revised Statutes of the United States, Title 12, Section 548, United States Code.

(b) With respect to a bank which ceases doing business, dissolves or withdraws after December 31, 1972, the tax for the taxable year during which the cessation, dissolution or withdrawal takes place shall be:

(1) According to or measured by its net income for the next preceding income year, at the rate provided under Section 23186, plus

(2) According to or measured by its net income for the taxable year of cessation of business, dissolution or withdrawal, at the rate provided under Section 23186.

If a bank commences to do business and ceases doing business, dissolves or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such year, at the rate provided under Section 23186.

(c) In the case of a bank which ceased doing business before January 1, 1973 but dissolved or withdrew on such date or thereafter, the tax for the taxable year during which the dissolution or withdrawal takes place shall be:

(1) According to or measured by its net income for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income for the taxable year during which the bank ceased doing business, at the rate provided under Section 23186.

SEC. 3. Section 23183 of the Revenue and Taxation Code is amended to read:

23183. (a) An annual tax is hereby imposed upon every financial corporation doing business within the limits of this state and taxable under the provisions of Section 16 of Article XIII of the Constitution of this state, for the privilege of exercising its corporate franchises within this state, according to or measured by its net income, upon

the basis of its net income for the next preceding income year at the rate provided under Section 23186.

(b) Notwithstanding subdivision (a), after December 31, 1971, the tax for the taxable year in which the financial corporation commences to do business within this state, whether or not for 12 full months, shall be the minimum tax prescribed in Section 23184. Further, with respect to taxable years beginning after December 31, 1972, the tax for the taxable year during which the financial corporation ceases doing business, dissolves or withdraws shall be:

(1) According to or measured by its net income for the next preceding income year, at the rate prescribed in Section 23186, plus

(2) According to or measured by its net income for the taxable year of cessation of doing business, dissolution or withdrawal, at the rate provided under Section 23186, or

(3) The minimum tax prescribed in Section 23184, whichever tax is the greater.

If the financial corporation commences to do business and dissolves or withdraws in the same taxable year, the tax for such taxable year shall be according to or measured by its net income for such year, at the rate provided under Section 23186, or the minimum tax provided in Section 23184, whichever tax is the greater.

(c) In the case of a financial corporation which ceased doing business before January 1, 1973 but dissolves or withdraws on such date or thereafter, the tax for the taxable year during which the dissolution or withdrawal takes place shall be:

(1) According to or measured by its net income for the income year next preceding the taxable year in which it ceased doing business, plus

(2) According to or measured by its net income for the taxable year during which the financial corporation ceased doing business, at the rate provided under Section 23186.

SEC. 4. Section 23332 of the Revenue and Taxation Code is amended to read:

23332. (a) Except in the case of a taxpayer subject to the provisions of Section 23222a, any taxpayer which is dissolved or withdraws from the state during any taxable year shall pay a tax only for the months of the taxable year which precede the effective date of such dissolution or withdrawal, according to or measured by (1) the net income of the preceding income year or (2) a percentage of net income determined by ascertaining the ratio which the months of the taxable year, preceding the effective date of dissolution or withdrawal, bears to the months of the income year, whichever is the lesser amount. As to financial corporations, the offset from the tax for the months of such taxable year prior to the effective date of such dissolution or withdrawal shall not exceed that proportion of the offset computed under Sections 23184 to 23185b, inclusive, which the number of said months prior to the effective date of such dissolution or withdrawal bears to the number of months of the preceding income year. The taxes levied under this chapter shall not be subject

to abatement or refund because of the cessation of business or corporate existence of any taxpayer pursuant to a reorganization, consolidation, or merger (as defined by Section 23251). In any event, each corporation shall pay a tax not subject to offset for such period in an amount equal to the minimum tax prescribed by Section 23153.

(b) The provisions of subdivision (a) shall be applied only with respect to taxpayers which dissolve or withdraw before January 1, 1973. On and after such date, the tax for the taxable year in which the taxpayer ceases doing business, dissolves or withdraws shall be determined under the appropriate provisions of Section 23151.1, 23181 or 23183, whichever is applicable.

CHAPTER 774

An act to add Section 13990.10 to the Government Code, and to add Section 7531.5 to the Public Utilities Code, relating to lines of railroads.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13990.10 is added to the Government Code, to read:

13990.10. (a) Upon receiving notice pursuant to Section 7531.5 of the Public Utilities Code of a railroad corporation's intent to abandon a line of railroad, the board shall promptly notify each city, county, transit district, statutorily created regional transportation planning agency, privately or publicly owned public utility furnishing gas, electric, or communication service, and council of governments of the area where the line of railroad proposed to be abandoned is located of such fact.

(b) The board shall conduct a study, in cooperation with such public entities and public utilities, as to the transportation uses that may be made of such line.

(c) The board shall issue, within 45 days of the date of receipt of a copy of an application forwarded to it pursuant to Section 7531.5 of the Public Utilities Code, its finding and recommendations with respect to the transportation uses that may be made of such line to the public entities and public utilities specified in subdivision (a).

SEC. 2. Section 7531.5 is added to the Public Utilities Code, to read:

7531.5. Upon receipt by it of an application, filed with either the Interstate Commerce Commission or the Public Utilities Commission, to abandon a line of railroad, the Public Utilities Commission shall forward a copy of the application to the State Transportation Board within 10 days.

CHAPTER 775

An act to add Sections 1903.1 and 19662.1 to the Education Code, relating to the State School Building Aid Law of 1952, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1903.1 is added to the Education Code, to read:

1903.1. Notwithstanding any other provision of this code, for the purposes of applying the State School Building Aid Law of 1952 (Chapter 10 (commencing with Section 19551) of Division 14), the amount of outstanding bonded indebtedness, exclusive of interest, of the divided districts which is equal to the liability incurred by the acquiring district pursuant to Sections 1902 or 1905 shall be considered a liability of the acquiring district for purposes of computing bonding capacity of the district.

SEC. 2. Section 19662.1 is added to the Education Code, to read:

19662.1. Notwithstanding the provisions of Sections 19662 and 19663, in situations where an applicant district at the elementary grade level under this chapter is divided into three parts, each of which is included in a newly formed unified school district, each such part shall be excluded in determining the state loan repayment liability for any apportionment made to the original district subsequent to the date the unification is effective for purposes of Section 1703, provided:

(a) The assessed valuation of such part is less than 4 percent of the original district in the fiscal year immediately preceding the fiscal year the change is made effective for all purposes.

(b) The average daily attendance in such part is excluded in determining projected enrollment of the original district for additional state aid during the period after the change is effective for purposes of Section 1703 and prior to the effective date for all purposes.

(c) Such part contains no sites, plans, or school facilities, which were acquired under this chapter or under Chapter 8 (commencing with Section 19401) of Division 14.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Successful unification elections in the Tustin Union High School District, Orange County, on June 6, 1972, will, pursuant to Section 1703 of the Education Code, become operative for limited purposes immediately. The districts must apply for state school building aid, and without the enactment of this act will be required to vote and

sell new bonds equal to ten percent of their assessed valuations. This language was inadvertently repealed in 1970 and should be reinstated to protect these districts and any future new unified districts from the necessity of heavy overbonding. To provide this protection, it is necessary that this act take immediate effect.

CHAPTER 776

An act to amend Sections 109.6 and 3702 of, and to add Section 4985.1 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 109.6 of the Revenue and Taxation Code is amended to read:

109.6. With the consent of the auditor and tax collector and approval of the board of supervisors, data normally appearing on an extended roll and abstract list may be retained in electronic data-processing equipment and no physical document need be prepared.

Notwithstanding any other provisions of this code, where no physical document of the extended roll and abstract list is prepared, all entries required to be made on the extended roll and abstract list shall be entered into the electronic data-processing records.

The data shall be so stored that it can be made readily available to the public in an understandable form.

SEC. 2. Section 3702 of the Revenue and Taxation Code is amended to read:

3702. The tax collector shall publish the notice of intended sale once a week for three successive weeks in a newspaper of general circulation published in the county seat and in a newspaper of general circulation published in the judicial district in which the property is situated. If the same newspaper of general circulation is published in both the county seat and in such district, or if the publication of the notice of sale is made in a newspaper which is determined pursuant to Section 3381 as most likely to afford adequate notice of the sale, publication in such paper shall satisfy the requirements for publication set forth in this section. If there is no newspaper published in the county seat or in the judicial district, then publication may be made by posting notice in three public places in the county seat or in the judicial district, as the case may be, where no such newspaper is published. The publication shall be started not less than 21 days prior to the sale.

SEC. 3. Section 4985.1 is added to the Revenue and Taxation Code, to read:

4985.1. In charter counties with a population of over 1,300,000, all or a portion of the duties imposed upon the auditor pursuant to Section 4985 may, upon approval of the auditor and by resolution of the board of supervisors, be transferred to the tax collector.

The tax collector shall make a report to the auditor in the manner prescribed by the auditor of any cancellation made pursuant to this section.

CHAPTER 777

An act to amend Section 25100.5 of the Government Code, relating to county officers.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25100.5 of the Government Code, as amended by Chapter 71 of the Statutes of 1971, is amended to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In any county having a population over 50,000 and under 55,000 or having a population over 557,000 and under 625,000, over 650,000 and under 1,350,000, or over 1,360,000 and under 4,000,000, as designated by Section 28020, as amended in 1971, the clerk of the board of supervisors may be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court or registrar of voters and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 778

An act to add Chapter 7.5 (commencing with Section 4040) to Part 1 of Division 5 of the Health and Safety Code, relating to bottled water.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.5 (commencing with Section 4040) is added to Part 1 of Division 5 of the Health and Safety Code, to read:

CHAPTER 7.5. BOTTLED WATER

Article 1. General

4040. (a) "Bottled water," means any natural spring, well, or other water, distilled water, or any of the foregoing to which chemicals have been added, which is placed in sealed bottles or other containers to be sold for drinking, culinary, or other domestic purposes involving a likelihood of the water being ingested by human beings.

(b) "Water bottling plant" means any commercially operated facility in which bottled water is produced.

Article 2. Regulation

4041. The state department shall adopt and enforce such regulations as it determines are reasonably necessary to insure that all bottled water which is sold or otherwise distributed in this state is pure, wholesome, and potable and without danger to the lives or health of human beings. The regulations shall include, but not be limited to:

(a) Minimum standards for the sanitary production and distribution of bottled water within this state.

(b) Quality standards for bottled water.

The quality standards of bottled water shall not be less stringent than those standards prescribed by Subpart J, Part 72, Chapter I, Title 42, Code of Federal Regulations.

(c) Minimum standards of cleanliness for any machine or device which is used to vend or to dispense bottled water.

4041.1. Each bottler, distributor, or vendor of bottled water shall obtain a bacterial analysis by an approved laboratory of water so bottled, distributed, or sold, quarterly. The analysis shall be submitted to the state department or to a county health department indicating whether the water is pure and wholesome.

4041.2. No bottled water shall be sold or otherwise distributed which has been produced in any bottled water plant which does not

at least satisfy the minimum standards adopted by the state department for the production of bottled water.

4041.3. No machine shall be used to vend or dispense bottled water which does not at least satisfy the minimum standards adopted by the state department.

4041.4. The state department shall inspect each vending machine or dispenser for bottled water for cleanliness and sanitary operation, and it shall require that each such vending machine or dispenser be maintained in a clean and sanitary condition at all times.

Article 3. Licensing

4042. No person shall operate a water bottling plant, or shall sell or distribute bottled water, except pursuant to a license issued by the state department.

4042.1. (a) No person operating an out-of-state water bottling plant shall conduct the business of selling or distributing bottled water within this state without first obtaining an out-of-state bottler's or distributor's license.

(b) Applications for an out-of-state bottler's or distributor's license under this section shall be made on a form furnished by the state. The state department may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

4042.2. No bottler, distributor, or vendor of bottled water shall maintain or use any dispenser or vending machine intended for bottled water, except pursuant to a license issued by the state department.

4042.3. The state department shall charge and collect a fee for each license issued which shall be an amount reasonably necessary to produce sufficient revenue to enforce the provisions of this chapter.

Article 4. Penalties

4043. Violation of any provision of this chapter or of any regulation adopted pursuant thereto constitutes a misdemeanor.

SEC. 2. This act shall become operative on July 1, 1973.

CHAPTER 779

An act to amend Section 597 of the Penal Code, relating to crimes against animals.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 597 of the Penal Code is amended to read:

597. (a) Every person who maliciously maims, wounds, tortures, or mutilates a living animal which is the property of another, or maliciously kills an animal which is the property of another, is guilty of an offense punishable by imprisonment in the state prison for not more than five years or in a county jail for not more than one year.

(b) Except as otherwise provided in subdivision (a), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink or shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the same, or in any manner abuses any animal, or fails to provide the same with proper food, drink, shelter or protection from the weather, or who drives, rides or otherwise uses the same when unfit for labor, is for every such offense, guilty of a misdemeanor.

 CHAPTER 780
An act to add Section 8589.5 to the Government Code, relating to dam safety.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature intends, by this act, to establish procedures for the emergency evacuation and control of populated areas below dams. The value of such a program has been demonstrated by that of the Los Angeles Department of Water and Power, administered by the Los Angeles Police Department, which has been very successful.

SEC. 2. Section 8589.5 is added to the Government Code, to read: 8589.5. (a) Inundation maps showing the areas of potential

flooding in the event of sudden or total failure of any dam, the partial or total failure of which the Office of Emergency Services determines, after consultation with the Department of Water Resources, would result in death or personal injury, shall be prepared and submitted as provided in this subdivision within six months after the effective date of this section, unless the time for submission of such maps is extended for reasonable cause by the Office of Emergency Services. The local governmental organization, utility, or other owner of any dam so designated shall submit to the Office of Emergency Services three such maps, which shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity, at median storage level, and at normally low storage level. After submission of copies of such maps, the Office of Emergency Services shall review the maps, and shall return those maps which do not meet the requirements of this subdivision, together with recommendations relative to conforming to such provisions. Maps rejected by the Office of Emergency Services shall be revised to conform to such recommendations and resubmitted. The Office of Emergency Services shall keep on file those maps which conform to the provisions of this subdivision. Maps approved pursuant to this subdivision shall also be kept on file with the Department of Water Resources. The owner of a dam submitting copies of such maps to the Office of Emergency Services shall concurrently submit identical copies to the appropriate public safety agency of any city, county, or city and county likely to be affected.

(b) Based upon a review of inundation maps submitted pursuant to subdivision (a), the Office of Emergency Services shall designate areas within which death or personal injury would, in its determination, result from the partial or total failure of a dam. The appropriate public safety agencies of any city, county, or city and county, the territory of which includes such an area, shall adopt emergency procedures for the evacuation and control of populated areas below such dams. The Office of Emergency Services shall review such procedures to determine whether adequate public safety measures exist for the evacuation and control of populated areas below the dams, and shall make recommendations with regard to the adequacy of such procedures to the concerned public safety agency. In conducting such review the Office of Emergency Services shall consult with appropriate state and local agencies.

Emergency procedures specified in this subdivision shall conform to local needs, and may be required to include any of the following elements or any other appropriate element, in the discretion of the Office of Emergency Services: (1) delineation of area to be evacuated; (2) routes to be used; (3) traffic control measures; (4) shelters to be activated for the care of the evacuees; (5) methods for the movement of people without their own transportation; (6) identification of particular areas or facilities in the flood zones which will not require evacuation because of their location on high ground or similar circumstances; (7) identification and development of

special procedures for the evacuation and care of people from unique institutions; (8) procedures for the perimeter and interior security of the area, including such things as passes, identification requirements, and antilooting patrols; (9) procedures for the lifting of the evacuation and reentry of the area; and (10) details of which organizations are responsible for these functions and the material and personnel resources required. It is the intent of the Legislature to encourage each agency that prepares such emergency procedures to establish a procedure for their review every two years.

(c) "Dam," as used in this section, has the same meaning as specified in Sections 6002, 6003, and 6004 of the Water Code.

SEC. 3. The Office of Emergency Services shall report to the Legislature on the plans specified by this act on or before the fifth day of the 1974 Regular Session of the Legislature.

CHAPTER 781

An act to amend Section 654 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 654 of the Welfare and Institutions Code is amended to read:

654. In any case in which a probation officer, after investigation of an application for petition or other investigation he is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within such jurisdiction, he may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the minor's parent or guardian, undertake a program of supervision of the minor, for not to exceed six months, and attempt thereby to adjust the situation which brings the minor within the jurisdiction of the court or creates the probability that he will soon be within such jurisdiction. Nothing in this section shall be construed to prevent the probation officer from filing a petition at any time within said six-month period.

The program of supervision of the minor undertaken pursuant to this section may call for the minor to obtain care and treatment for the misuse of restricted dangerous drugs or addiction to narcotics from a county mental health service or other appropriate community agency.

CHAPTER 782

An act to add Section 301.3 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION. 1. Section 301.3 is added to the Streets and Highways Code, to read:

301.3. Notwithstanding Section 253.2, the California freeway and expressway system shall not include Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 105.
- (b) The southerly boundary of the Los Angeles International Airport to the Los Angeles-Ventura county line.

CHAPTER 783

An act to amend Section 7626 of the Business and Professions Code, relating to funeral directors.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7626 of the Business and Professions Code is amended to read:

7626. The board shall examine and pass upon the qualifications of the applicant as to character, ability and experience before passing upon the physical status or plans and specifications of the proposed funeral establishment.

CHAPTER 784

An act to add Section 602.4 to the Penal Code, relating to airports.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 602.4 is added to the Penal Code, to read:

602.4. Every persons who enters or remains on airport property owned by a city, county, or city and county but located in another

county, and sells, peddles, or offers for sale any goods, merchandise, property, or services of any kind whatsoever, to members of the public, including transportation services, other than charter limousines licensed by the Public Utilities Commission, on or from the airport property, without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.

Nothing in this section affects the power of a county, city, or city and county to regulate the sale, peddling or offering for sale of goods, merchandise, property, or services.

CHAPTER 785

An act relating to the San Francisco Bay Area Rapid Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, if any contract for the purchase of transit vehicles involving total expenditures in excess of fifty million dollars (\$50,000,000) has been let pursuant to Section 28990 of the Public Utilities Code, the Board of Directors of the San Francisco Bay Area Rapid Transit District, at its discretion, may, within 60 days after effective date of this act, negotiate to amend such contract to purchase additional transit vehicles and any other items provided for under such contract or its options; provided, that the price for such additional quantities may be adjusted for the additional quantities so contracted for to reflect changes in basic contract or option prices (not to exceed 10 percent) and allowances for inflationary increases that are provided for in such contract.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the San Francisco Bay Area Rapid Transit District may implement its planned transit service at the earliest possible time by securing the required additional transit vehicles from the successful bidder of the initial contract to provide transit vehicles to the district, which bidder has the experience and knowledge as to the special requirements of the district in this respect, and at a cost advantageous to the district, it is necessary that this act take effect immediately.

CHAPTER 786

An act to add and repeal Section 2808.1 of the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2808.1 is added to the Streets and Highways Code, to read:

2808.1. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction or acquisition, or the construction and acquisition, of water improvements, including the acquisition of pipeline rights-of-way and easements necessary in connection with such improvement, when such proceedings have been recommended by the health officer of the City of Glendora as necessary as a health measure, if such recommendation is given in writing and spread upon the minutes of the City Council of the City of Glendora, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. None of the provisions of this division shall apply to proceedings heretofore or hereafter commenced for the construction or acquisition, or the construction and acquisition, of water improvements, including the acquisition of pipeline rights-of-way and easements necessary in connection with such improvement, when such proceedings have been recommended by the chief of the fire department of the City of Glendora, as necessary as a fire protection measure, if such recommendation is given in writing and spread upon the minutes of the City Council of the City of Glendora, and such necessity is found to exist by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the City Council of the City of Glendora pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

This section shall remain in effect only until the 61st day after final adjournment of the 1977 Regular Session of the Legislature and as of that date is repealed.

SEC. 2. The Legislature finds and declares that unique problems of fire protection exist in the City of Glendora, in that the city contains a large amount of foothill land, developed with residential structures, and that during the summer and fall, an extreme fire hazard exists, endangering lives and property. The Legislature further finds and declares that the water systems located in the foothills of Glendora are wholly inadequate to allow satisfactory fire protection and that the existence of this condition constitutes a threat to the public safety of the community. These problems are not, however, common to all areas of the state. It is, therefore, hereby declared that a general law cannot be made applicable and that the

enactment of this act as a special law is necessary to effectuate a solution to the fire protection problems which threaten the safety of the residents of the City of Glendora.

CHAPTER 787

An act to add Chapter 8 (commencing with Section 11775) to Part 1 of Division 3 of Title 2 of the Government Code, relating to data processing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 11775) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 8. CONSOLIDATED DATA CENTERS

11775. There is in the Department of Justice the Law Enforcement Consolidated Data Center. The Law Enforcement Consolidated Data Center shall be directed by a data center director who shall be appointed by the Director of the Department of Justice, pursuant to civil service. The position of data center director shall be designated a career executive assignment. The data center director shall be responsible for the efficient and effective management and operation of the center. For the purpose of establishing the Law Enforcement Consolidated Data Center, the funds appropriated in Item 38, of the Budget Act of 1972, scheduled consolidated data center, are hereby approved for transfer to and in augmentation of Item 39.1 by the Director of Finance subject to the terms and conditions denoted in Items 38 and 39.1 of Chapter 156 of the Statutes of 1972.

11776. There is in the Business and Transportation Agency, at the agency level, the Business and Services Consolidated Data Center. The Business and Services Consolidated Data Center shall be directed by a data center director who shall be appointed by the Secretary of the Business and Transportation Agency, pursuant to civil service. The position of data center director shall be designated a career executive assignment. The data center director shall be responsible for the efficient and effective management and operation of the center. For the purpose of establishing the Business and Services Consolidated Data Center the funds appropriated in Items 31, 48, 56, 60, 61, 67, 139, 140, 143, 145, 147, 149, 150, 160, 165, 168, 174, 177, 189, 194, 195, 196, 203, 211, 216, 218, and 261 of the

Budget Act of 1972, scheduled consolidated data center, are hereby approved for transfer to and in augmentation of Item 26.1 by the Director of Finance subject to the terms and conditions denoted in such items contained in Chapter 156 of the Statutes of 1972.

11777. There is in the Agriculture and Services Agency, at the agency level, the Revenue Consolidated Data Center. The Revenue Consolidated Data Center shall be directed by a data center director who shall be appointed by the Secretary of the Agriculture and Services Agency, pursuant to civil service. The position of data center director shall be designated a career executive assignment. The data center director shall be responsible for the efficient and effective management and operation of the center. For the purpose of establishing the Revenue Consolidated Data Center, the funds appropriated in Items 29, 53, 87, 95, 103, 104, 117, 125, 135, 155, 161, and 297 of the Budget Act of 1972, scheduled consolidated data center, are hereby approved for transfer to and in augmentation of Item 24.1 by the Director of Finance, subject to the terms and conditions contained in those items of Chapter 156 of the Statutes of 1972.

11778. There is in the Human Relations Agency, at the agency level, the Human Relations Consolidated Data Center. The Human Relations Consolidated Data Center shall be directed by a data center director who shall be appointed by the Secretary of the Human Relations Agency, subject to civil service. The position of data center director shall be designated a career executive assignment. The data center director shall be responsible for the efficient and effective management and operation of the center. For the purpose of establishing the Human Relations Consolidated Data Center, the funds appropriated in Items 224, 241, 246, and 255 of the Budget Act of 1972, scheduled consolidated data center, are hereby approved for transfer to and in augmentation of Item 27.1 by the Director of Finance, subject to the terms and conditions contained in such items.

11779. Data center directors shall have control over and be responsible for all data processing operations and procedures pertaining to their respective consolidated data centers subject to review and approval by the Department of Finance.

11780. The Director of Finance shall determine agency programs that are to receive services from consolidated data centers and shall determine which consolidated data center is the appropriate one to provide the services subject to the following conditions: (a) state agencies to receive consolidated data center services as specified by the Director of Finance shall only have direct access to consolidated data center equipment where it is determined by the Department of Finance that the timeliness of direct access is cost justified for agency operations; and (b) where the Department of Finance determines that state agencies to receive services from consolidated data centers do not need direct access as noted above, such agencies may be approved by the Department of Finance to have

mini-computers which shall be limited in capability to cash reconciliation, edit-audit routines and other procedures necessary to prepare clean data for delivery to consolidated data centers for program processing. In addition to such mini-computers, the Department of Finance may approve slow-speed printing capability within the state agency.

11781. The consolidated data centers established by this chapter shall not be intercoupled for the purpose of permitting the transmission of data from one consolidated data center to another consolidated data center by any wire, line, or other communication device. This section shall not prohibit the transmission of data from the Business and Services Consolidated Data Center to the Law Enforcement Consolidated Data Center in order to obtain vehicle registration and driver license data for criminal justice information purposes.

11782. The chief executive officer of any state agency which receives its data processing services from a consolidated data center shall have full control over all data-processing systems design, procedures, input, input format, output, and output format concerning their agency data-processing programs and services to be received from consolidated data centers. No changes to such data-processing system design, procedures, input, input format, output, or output format as they affect such agency may be made without the written approval of the chief executive officer of the agency concerned subject to review and approval by the Department of Finance.

The Department of Finance shall determine the number and classification of data-processing personnel necessary to assist the chief executive officer to develop and maintain data-processing systems design, procedures, input, input format, output, and output format concerning his agency data-processing requirements for services to be received from the consolidated data center, provided that the Department of Finance may, in the case of small agencies, designate that these services may be provided to the chief executive officer of such small agency by another agency staffed to provide such services.

11783. Each chief executive officer who receives services from a consolidated data center and each consolidated data center director shall designate an information security officer who shall be responsible for implementing state policies and standards regarding the confidentiality and security of information pertaining to his respective agency or consolidated data center. Such policies and standards shall include, but are not limited to, strict controls to prevent unauthorized access to data maintained in computer files, program documentation, data-processing systems, data files, and data-processing equipment physically located in such agency or consolidated data center.

11784. Any contract entered into by the Department of Finance, any state agency, or any consolidated data center, concerning

data-processing systems design, programming, documentation, conversion, training, and other aspects of data-processing operations shall require that contract personnel shall be physically on the premises of the consolidated data center or state entity in the conduct of systems design, programming, documentation, and training and such contract shall also contain a provision requiring the contractor and all of his staff working under such contract to maintain all information obtained as a result of such contract as confidential and to not divulge such information to any other person or entity. Where contracts are entered into pursuant to this section, as a condition of such contract, provision shall be made that state personnel are to be working directly with such contract personnel to assure continuation of all projects for which the contract is let after a contractor has fulfilled his contractual obligations. Full documentation of all programs shall reside both in the data center and the state entity for which the program was written.

11785. Contracts awarded or entered into pursuant to this chapter shall be in the form of the model contract for lease and/or purchase of electronic data-processing systems and computers as outlined in Section 4960.1 of the State Administrative Manual revised new January, 1967, and no portion of such contract shall be excluded or stricken.

All such contracts entered into pursuant to this section, where the total annual amount exceeds ten thousand dollars (\$10,000), shall be competitively bid.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The funds for these consolidated data centers were included in the Budget Act of 1972. In order for the money to be expended during as much of fiscal year 1972-1973 as possible, it is necessary for this act to take immediate effect.

CHAPTER 788

An act to add Section 12461.1 to the Government Code, relating to reports of the Controller.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12461.1 is added to the Government Code, to read:

12461.1. The Controller shall also prepare a quarterly report on the General Fund comparing state revenues and expenditures for

that quarter with the Budget Act, and other expenditures authorized pursuant to statute, in effect during that quarter. Such reports shall be submitted to the Legislature within 30 days after the end of the quarter, unless the Legislature is not in session, in which event the reports shall be submitted to the Joint Legislative Budget Committee.

In preparing such quarterly report, the Controller shall consult with all necessary or appropriate public and private agencies, boards, departments and organizations, and all state and local public agencies shall provide any information requested by the Controller.

CHAPTER 789

An act to amend Section 18058 of the Health and Safety Code, relating to mobilehomes.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18058 of the Health and Safety Code is amended to read:

18058. (a) The commission is authorized to promulgate rules and regulations which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehomes, recreational vehicles, and commercial coaches.

(b) The chief fire official of every city, county, city and county, fire protection district, or other local fire protection agency shall file a report of each mobilehome fire occurring within his jurisdiction with the State Fire Marshal. Such report shall be made on forms provided by the State Fire Marshal.

The State Fire Marshal shall annually compile a statistical report of all mobilehome fires occurring within this state and shall furnish the commission with a copy of such report. The annual report shall include, but need not be limited to, the number of mobilehome fires, the causes of such fires, the monetary loss, and any casualties or fatalities resulting from such fires.

CHAPTER 790

An act to add Section 301.5 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 301.5 is added to the Streets and Highways Code, to read:

301.5. Notwithstanding Section 253.2, the California freeway and expressway system shall not include that portion of Route 1 within the City of Long Beach.

CHAPTER 791

An act to amend Sections 9263 and 22705, and to repeal Section 22854.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9263 of the Vehicle Code is amended to read:
9263. (a) Any automobile dismantler acquiring a vehicle subject to registration under this code, for the purpose of dismantling the same, who fails to forward to the department notification of acquiring such vehicle as required in subdivision (a) of Section 11520 within 72 hours after taking possession of the vehicle, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, and before dismantling such vehicle or who fails to forward to the department the documents and license plate or plates required by subdivision (b) of Section 11520, within 90 days after taking possession of the vehicle, shall pay in addition to any other fees due an investigation service fee in the amount of five dollars (\$5). If such person who fails to forward the documents and license plate or plates as required by subdivision (b) of Section 11520 can furnish written evidence of a diligent effort to secure required documents, the investigation service fee shall not be due or payable.

(b) Any person other than a licensed automobile dismantler who fails to surrender to the department the documents and license plate or plates as required by subdivision (b) of Section 11520 before dismantling a vehicle, shall pay in addition to any other fees due an investigation service fee of five dollars (\$5).

SEC. 2. Section 22705 of the Vehicle Code is amended to read:
22705. If the vehicle is appraised at a value not exceeding two

hundred dollars (\$200), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of California Highway Patrol in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest and the vehicle may be disposed of.

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from any fees and penalties which would otherwise be due to the Department of Motor Vehicles, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal, of such vehicles by other than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 3. Section 22854.5 of the Vehicle Code is repealed.

SEC. 4. Section 22705 of the Vehicle Code is amended to read:
22705. If the vehicle is appraised at a value not exceeding two hundred dollars (\$200), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of Justice in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest and the vehicle may be disposed of.

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from any fees and penalties which would otherwise be due to the Department of Motor Vehicles, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal, of such vehicles by other than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 188 are both chaptered and amend Section 22705 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 188, that Section 22705 of the Vehicle Code, as amended by Section 6 of Senate Bill No. 188 be further amended on the operative date of this act in the form set forth in Section 4 of this act to incorporate the changes in Section 22705 proposed by this bill. Therefore, Section 4 of this act shall become operative only if Senate Bill No. 188 is chaptered before this bill and amends Section 22705, and in such case Section 4 of this act shall become operative on the operative date of this act and Section 2 of this act shall not become operative.

CHAPTER 792

An act to amend Sections 54774, 54790 and 54796 of, and to add Sections 35703.5 and 35803.5 to, the Government Code, relating to local agency formation commissions.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 35703.5 is added to the Government Code, to read:

35703.5. No petition seeking the consolidation of two or more cities shall be circulated or filed pursuant to this article, nor shall any public officer accept any such petition for filing until approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5.

SEC. 1.3. Section 35803.5 is added to the Government Code, to read:

35803.5. No petition seeking the consolidation of two cities shall be circulated or filed pursuant to this article, nor shall any public officer accept any such petition for filing until approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5.

SEC. 1.5. Section 54774 of the Government Code is amended to read:

54774. Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of

local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

In addition to its other powers the local agency formation commission shall initiate and make studies of existing governmental agencies. Such studies shall include but shall not be limited to inventorying such agencies and determining their maximum service area and service capacities. In conducting such studies, the commission may ask for land use information, studies, and plans of cities, counties, and districts. Cities, counties, and districts shall comply with the request of the commission for such information and the commission shall make its studies available to cities, counties, and districts. In making these studies, the commission may cooperate with the county planning commissions.

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the local agency formation commission shall develop and determine the sphere of influence of each local governmental agency within the county. As used in this section "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. Among the factors considered in determining the sphere of influence of each local governmental agency the commission shall consider:

(a) The maximum possible service area of the agency based upon present and possible service capabilities of the agency.

(b) The range of services the agency is providing or could provide.

(c) The projected future population growth of the area.

(d) The type of development occurring or planned for the area, including, but not limited to, residential, commercial, and industrial development.

(e) The present and probable future service needs of the area.

(f) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided by such existing local governmental agencies.

(g) The existence of social and economic interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.

The commission shall periodically review and update the spheres of influence developed and determined by them.

The spheres of influence, after adoption, shall be used by the commission as a factor in making regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

SEC. 2. Section 54790 of the Government Code is amended to read:

54790. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally proposals for:

(1) The incorporation of cities;

(2) The formation of special districts, and

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6 of this code); provided that a commission shall not impose any conditions which would directly regulate land use or subdivision requirements. Nothing in this subsection, however, shall be construed as prohibiting a commission from requiring, as a condition to annexation, that a city prezone the territory to be annexed; provided that the commission shall not specify how or in what manner the territory shall be zoned.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(6) The consolidation of two or more cities.

(7) The development of new communities within the jurisdiction of the commission pursuant to Sections 33021 and 33298 of the Health and Safety Code.

(b) To adopt standards and procedures for the evaluation of proposals.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 34312 and of subdivision (1) of Section 35002.3, and Sections 35158 and 35326 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

SEC. 3. Section 54796 of the Government Code is amended to read:

54796. Factors to be considered in the review of a proposal shall include but not be limited to:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(e) Conformity with appropriate city or county general and specific plans.

(f) The "sphere of influence" of any local agency which may be applicable to the proposal being reviewed.

CHAPTER 793

An act to amend Section 6775 of the Business and Professions Code, relating to professional engineering.

[Approved by Governor August 11, 1972 Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6775 of the Business and Professions Code is amended to read:

6775. The board may receive and investigate complaints against registered professional engineers, and make findings thereon.

By a majority vote, the board may reprove, privately or publicly, or may suspend for a period not to exceed two years, or may revoke the certificate of any professional engineer registered hereunder:

(a) Who has been convicted of a felony, arising from or in connection with the practice of engineering, or of a crime involving moral turpitude, in which case the certified record of conviction shall

be conclusive evidence thereof.

(b) Who has not a good character.

(c) Who has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud, negligence or incompetency in his practice.

(d) Who has been found guilty of any fraud or deceit in obtaining his certificate or violation of any provision of this chapter.

(e) Who aids or abets any person in the violation of any provisions of this chapter.

(f) Who violates any provision of this chapter.

CHAPTER 794

An act to add Article 10.5 (commencing with Section 12980) to Chapter 2 of Division 7 of the Agricultural Code, relating to pesticides.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 10.5 (commencing with Section 12980) is added to Chapter 2 of Division 7 of the Agricultural Code, to read:

Article 10.5. Pesticides and Worker Safety

12980. The Legislature hereby finds and declares that it is necessary and desirable to provide for the safe use of pesticides and for safe working conditions for farmworkers, pest control applicators, and other persons handling, storing, or applying pesticides, or working in and about pesticide-treated areas.

The Legislature further finds and declares that the development of regulations relating to pesticides and worker safety should be the joint and mutual responsibility of the Department of Agriculture and the Department of Public Health, until the operative date of Governor's Reorganization Plan Number 1 of 1970, and on and after such date, should be the joint and mutual responsibility of the Department of Agriculture and the Department of Health.

The Legislature further finds and declares that in carrying out the provisions of this article, the University of California, the Department of Industrial Relations, and any other similar institution or agency should be consulted.

12981. The director shall adopt regulations to carry out the provisions of this article effective as soon as practicable, however, no later than the first calendar day of the 1974 Regular Session of the Legislature. Such regulations shall include, but are not limited to, all of the following subjects.

- (a) Time limits for worker entry into areas treated with pesticides as determined by the director to be hazardous to worker safety.
- (b) Handling of pesticides.
- (c) Handwashing facilities.
- (d) Farm storage and commercial warehousing of pesticides.
- (e) Protective devices, including, but not limited to, respirators and eyeglasses.
- (f) Posting, in English and Spanish, of fields, areas, adjacent areas or fields, or storage areas.

The State Department of Public Health, until the operative date of Governor's Reorganization Plan Number 1 of 1970, and on and after such date the Department of Health, shall participate in the development of any regulations adopted pursuant to this article. Such regulations that relate to health effects shall be based upon the recommendations of the Department of Public Health, until the operative date of Governor's Reorganization Plan Number 1 of 1970, and on and after such date, the Department of Health. The original written recommendations of the State Department of Public Health, any subsequent revisions of those recommendations, and the supporting evidence and data upon which the recommendations were based shall be made available upon request to any person.

12982. The director and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this article and the regulations adopted pursuant to it. The local health officer may assist the director and the commissioner in the enforcement of the provisions of this article and any regulations adopted pursuant to it. The local health officer shall investigate any condition where a health hazard from pesticide use exists, and shall take necessary action, in cooperation with the commissioner, to abate any such condition. The local health officer may call upon the State Department of Public Health, until the operative date of Governor's Reorganization Plan Number 1 of 1970, and on and after such date the Department of Health, for assistance pursuant to the provisions of Section 2951 of the Health and Safety Code.

CHAPTER 795

An act to amend Sections 13246, 13247, 13247.9, 13248, and 13314.5 of, and to add Sections 13246.7, 13246.9, and 13314.3 to, the Education Code, relating to the public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 13246 of the Education Code is amended to read:

13246. The Superintendent of Public Instruction shall establish a three-year master teacher selection pilot program in two school districts designated by a committee consisting of the superintendent, the Director of Finance, a Senator appointed by the Senate Rules Committee, and an Assemblyman appointed by the Speaker of the Assembly. No application to participate in the program shall be submitted by the governing board of the school district to this committee until an election has been held by all certificated employees of the school district and conducted by the district superintendent. A 60-percent majority of those voting shall be necessary to indicate support of the program. The pilot program shall commence on September 1, 1971, and shall terminate on August 31, 1974, and shall be implemented in accordance with the following schedule:

(a) 1971-1972, organization of the program, selection of master teachers, and payment of the extra stipend to selected master teachers.

(b) 1972-1973, payment of the extra stipend to all teachers certified as master teachers, selection of additional teachers and evaluation of the program.

The designated school districts shall be school districts which have certificated teaching staffs of not less than 100 nor more than 650, excluding those involved in adult education, who spend 80 percent of their teaching time in the classroom, and which have an average daily attendance of not less than 2,500 nor more than 10,000.

SEC. 2. Section 13246.7 is added to the Education Code, to read:

13246.7. A master teacher selection panel may adopt reasonable rules and regulations for the implementation of this article.

SEC. 3. Section 13246.9 is added to the Education Code, to read:

13246.9. No master teacher selection panel or member of a master teacher selection panel may be held civilly liable by an applicant for any act or omission which occurs in the direct implementation of this article.

SEC. 4. Section 13247 of the Education Code is amended to read:

13247. The criteria for the selection of certified master teachers

shall be established by the panel and shall require at least:

(a) A master's degree in an academic field or a bachelor's degree plus 45 semester units taken after the bachelor's degree, or the equivalent, to be determined by the master teacher selection panel, of a master's degree in vocational subjects for which master's degrees are not usually awarded, or successful completion of the competence examination prescribed in Chapter 557 of the Statutes of 1970;

(b) Eight years of total teaching experience, with four years of teaching experience in the district;

(c) That the teacher spend at least 80 percent of his teaching time in the classroom;

(d) The demonstration of distinctly superior teaching ability.

SEC. 5. Section 13247.9 of the Education Code is amended to read:

13247.9. The master teacher selection panel shall appoint for each applicant for a master certificate, at least one, but not more than two certificated employees from a school district other than the participating school district and who spend at least four-fifths of their teaching time in a classroom, who shall inquire into the professional competence of the applicant. A third certificated employee may be appointed when a distinct difference of opinion exists between the evaluation of the two certificated employees. The appointed certificated employees may, if they are qualified, examine more than one applicant. The appointed certificated employees need not be residents of the county in which the participating school district is located. These appointed certificated employees shall be known as examiner teachers and shall be appointed by April 1 of the school year.

The examiner teachers shall sign affidavits stating that they have no specific knowledge of the applicant for certification as master teachers, either personally or professionally.

The examiner teachers shall make a written report on the applicant's professional competence to the master teacher selection panel not later than June 1st of the school year.

The examiner teachers shall talk with other teachers in the school where the applicant is employed, other teachers in the school district, the principal of the school where the applicant is employed, and other administrators, parents, and students who may have specific knowledge of the applicant's professional qualities. The examiner teacher shall also consider evidence of relative gains made by pupils taught by the applicant, as measured by standardized tests.

Upon a favorable recommendation by the examiner teachers, the master teacher selection panel, by majority vote of those present and voting, shall issue a certificate designating the applicant as a certificated master teacher.

The examiner teachers shall be reimbursed for necessary travel expenses incurred in connection with such inquiry. Examiner teachers shall be granted time off without loss of pay for not to exceed two schooldays during any school year for each applicant they

examine. The employing school district shall be reimbursed by the county superintendent of schools for the salary of substitute teachers hired for the examiner teachers from funds appropriated therefor by the Legislature.

A separate fund shall be established for receiving application fees and funds appropriated by the Legislature for administrative expenses, to be used for the payment of examiner teachers and other related expenses.

SEC. 6. Section 13248 of the Education Code is amended to read: 13248. Any school district which employs a certified master teacher shall pay the teacher an additional stipend of four thousand dollars (\$4,000) per school year over and above the regular salary which would otherwise be paid to the teacher. Payment of the additional stipend shall be made on a monthly basis to the teacher on a 10-month school year schedule.

From moneys appropriated therefor, the Superintendent of Public Instruction shall order reimbursements to be made from state school apportionment funds each fiscal year to each school district the total of additional stipends paid to certified master teachers in such fiscal year by the district; provided, that for the 1972-1973 fiscal year, the sum of two hundred thousand dollars (\$200,000) is appropriated for such reimbursements from the amount transferred to the State School Fund for expenditure pursuant to subdivision (f) of Section 17303.5. Any teacher who qualifies at any time during the school year shall be presumed to have been a master teacher for the entire year and shall be entitled to payment in the full stipend amount of four thousand dollars (\$4,000).

SEC. 7. Section 13314.3 is added to the Education Code, to read: 13314.3. (a) A permanent employee not qualified to render service as a classroom teacher, when advanced to an administrative or supervisory position, or assigned any special or other type of work, or given special classification or designation requiring certification qualifications, shall retain his permanent classification for the performance of the type of service for which he was qualified prior to such advancement, assignment, or special classification or designation.

(b) If an employee is authorized to render service in more than one type of position for which certification qualifications are required, either by virtue of his possession of one certification document authorizing service in two or more of such positions, or by virtue of his possession of separate certification documents authorizing service in two or more such positions, or any combination thereof, he shall, upon satisfying all other requirements prescribed by law, acquire permanent status as follows:

(1) If he is authorized to render service as a classroom teacher, he shall acquire permanent status as a classroom teacher.

(2) If he is not authorized to render service as a classroom teacher, he shall acquire permanent status below the administrative or supervisory level as a staff employee with multiple qualifications. His

right to serve in one or more of the positions for which he is qualified to serve shall be subject to the power of assignment of the school district governing board.

SEC. 8. Section 13314.5 of the Education Code is amended to read:

13314.5. A permanent employee, as specified in Section 13314.3, when advanced to an administrative or supervisory position requiring certification qualifications, or assigned any special or other type of work requiring certification qualifications, or given special classification or designation requiring certification qualifications, shall retain his permanent classification as specified in Section 13314.3.

If such a person is advanced to an administrative or supervisory position not requiring certification qualifications, is assigned any special or other type of work not requiring certification qualifications, or is given special classification or designation not requiring certification qualifications, his right to retain permanent classification shall be governed by the provisions of Article 4 (commencing with Section 13050) of Chapter 1 of this division.

SEC. 9. There is hereby appropriated from the General Fund in the State Treasury to the Director of Finance for each of the fiscal years 1971-1972 and 1972-1973 the sum of eight thousand four hundred dollars (\$8,400) to be allocated by him to school districts participating in the master teacher selection pilot program for the purpose of providing examiner teachers. Requests for such allocations shall be reviewed by the Department of Finance and are subject to the approval of that department.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of the limited time prescribed by law during which the Certified Master Teacher Law of 1970 is to be operative, and because a significant portion thereof has already elapsed, it is essential that this act, which prescribes more practicable criteria for the designation of participating districts and teachers, take effect immediately in order that the pilot program involved shall be operative for the maximum of the authorized time.

Further, in order to clarify the rights of permanent certificated employees at the earliest possible time in the 1972-1973 school year, it is necessary that this act take effect immediately.

CHAPTER 796

*An act to amend Section 11850 of the Health and Safety Code,
relating to registration of narcotics offenders.*

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11850 of the Health and Safety Code is amended to read.

11850. (a) Any person who is, on or after September 15, 1961, convicted in the State of California of any offense defined in Section 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.1, 11530.5, 11531, 11532, 11540, 11557, 11715, or 11721, or any person who is, on or after such date, discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is, on or after such date, convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall within 30 days after September 15, 1961, or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(b) Any person who, on or after September 17, 1965, is convicted in any federal court of any offense which, if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in subdivision (a) shall within 30 days after September 17, 1965, or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(c) This section does not apply to a misdemeanor conviction under Section 11530, or a conviction under Section 11721 involving marijuana.

CHAPTER 797

An act to amend Section 656 of the Harbors and Navigation Code, relating to navigation, and making an appropriation therefor.

[Approved by Governor August 11, 1972 Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 656 of the Harbors and Navigation Code, as amended by Chapter 974 of the Statutes of 1971, is amended to read:

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) Any person who complies with subdivision (a) or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection by any person assisted shall not be held liable for any civil damages sought as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person has acted as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

(c) In the case of collision, accident or other casualty involving an undocumented vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars (\$100) shall file with the department a full description of the collision, accident or other casualty on such forms and including such information as the department may, by regulation, require. The department shall furnish approved forms for the filing of such reports and shall prescribe by regulation the date by which the report is required to be submitted. In case the operator is unable to report by reason of circumstances beyond his control, the owner of the vessel shall file the report, if he has knowledge of the accident. A peace officer, harbor policeman, or others having knowledge of the accident, may file a report, but such reports do not remove the requirement for filing by the operator or owner of the vessel.

(d) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

(e) All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the department and any peace officer actually engaged in the enforcement of this chapter, except that the department shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vessels involved, and the date, time, and location of an accident to any person who may have a proper interest therein, including the operator or operators involved, or the legal guardian thereof, the parent of a minor operator, the authorized representative of an operator or to any person injured therein and the owners of vessels or property damaged thereby.

SEC. 2. There is hereby appropriated from the Harbors and Watercraft Revolving Fund to the Department of Navigation and Ocean Development the sum of one hundred twenty-seven thousand dollars (\$127,000) for support of the department in augmentation of Item 203 of the Budget Act of 1972.

CHAPTER 798

An act to amend Section 6902.085 of the Education Code, relating to the education of mentally retarded minors.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6902.085 of the Education Code is amended to read:

6902.085. No minor shall be placed in a special education class for the mentally retarded if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on an individual intelligence test selected from a list approved by the State Board of Education except as provided in Section 6902.095.

No minor shall be placed in a special education program for the mentally retarded when he is being tested in a language other than English if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on the nonverbal intelligence test or on the nonverbal portion of an individual intelligence test which includes both verbal and nonverbal portions except as provided in Section 6902.095.

No minor may be placed in a special education program for the mentally retarded unless a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development

indicated by the individual test scores. This examination shall include estimates of adaptive behavior. Until adaptive behavior scales are normed and approved by the State Board of Education, such adaptability testing shall include, but is not limited to, a visit, with the consent of the parent or guardian, to the minor's home by the school psychologist or a person designated by the chief administrator of the district, upon the recommendation of the school psychologist, and interviews of members of the minor's family at their home. If the language spoken in the home is other than English, such interviews shall be conducted in the language of the home.

In the case of a minor whose primary home language is other than English, the psychological evaluation shall be conducted in the minor's primary home language. It shall be administered by a credentialed school psychologist fluent in the language of the minor. In the event such a person is not available, an interpreter qualified in the primary home language of the minor shall be provided to assure effective communication between the minor and the school psychologist administering the evaluation. The district shall provide the interpreter with in-service training in the application of evaluation techniques and procedures, such training to be given under the direction of a school psychologist according to guidelines established by the State Board of Education.

After a student has been screened and referred, written permission for the individual psychological evaluation shall be secured in a conference with a school official and the parent or guardian or his authorized representative. After the individual psychological evaluation is completed, the psychologist shall confer with the parent or guardian or his authorized representative regarding the recommendation to the admission committee. Following the admission committee meeting, a committee member shall meet with the parent or guardian or his authorized representative to discuss the committee conclusion and to obtain written permission for placement.

No minor shall be placed in a special education class for the mentally retarded without the written consent of the parent or guardian of the child after a complete explanation of the special education program. Permission documents for individual psychological evaluation, and placements, shall be written in English and in the language of the parent or guardian. Conferences and notices to inform the parent or guardian of the nature of the placement process, the committee conclusion, and the special education program shall be in the home language of the parent or guardian.

CHAPTER 799

An act to amend Section 11713 of the Vehicle Code, relating to vehicle dealers, manufacturers, and transporters.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if such vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless, prior to the sale, such amount has been paid by a dealer to the state in order to avoid penalties that would have accrued because of late payment of such fees.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 (commencing with Section 24000) of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, supplies, or books to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

CHAPTER 800

An act to add Article 2.5 (commencing with Section 650) to Chapter 2 of Division 1 of the Public Resources Code, relating to foresters.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 650) is added to Chapter 2 of Division 1 of the Public Resources Code, to read:

Article 2.5. Professional Foresters

650. This article may be known and cited as the Professional Foresters Law.

650.1. The purpose of this article is to declare the existence of a public interest in the management and treatment of the forest resources and timberlands of this state and to provide for the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of the wildlands and the quality of the wildland environment, and through such regulation to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds for flood and soil erosion control, and the production and increased yield of natural resources including timber, forage, wildlife, water and outdoor recreation, to meet the needs of the people.

650.2. "Board," as used in this article, means the State Board of Forestry.

650.3. "Professional forester," as used in this article, means a person who, by reason of his knowledge of the natural sciences, mathematics, and the principles of forestry, acquired by forestry education and experience, performs services including, but not limited to, consultation, investigation, evaluation, planning, or responsible supervision of forestry activities when such professional services require the application of forestry principles and techniques.

650.4. "Forestry," as used in this article, refers to that science which treats of wildland resources in general, and of lands bearing associations of trees and other woody plants in particular; investigation of wildland soils, plants, and animals, and the ecology thereof; and the application of scientific knowledge in the fields of wildlands protection, timber growing and utilization, forest resource inventories, watershed management, forest economics and finance, air and water pollution control on wildlands, outdoor recreation, and the preservation of natural scenery.

650.5. A "qualified" forester is any person who possesses all of the qualifications for registration as set forth in Section 650.3 but who is not registered.

650.55. "Person" as used in this article means any natural person.

650.6. Nothing contained in this article prohibits any person from engaging in those activities otherwise restricted to registered professional foresters, provided a registered professional forester is in charge of the professional practice or work of such person and all professional work or documents are done by or under the supervision of such registered professional forester.

650.7. The provisions of this article do not apply to any landowner who is a natural person and who personally performs services of a professional forester, when such services are personally performed on lands owned by him.

650.8. This article shall not be construed to authorize a registered professional forester to practice civil engineering as defined in Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code or to practice land surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.

650.9. The board may by regulation adopt such rules and regulations pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, as it determines are reasonably necessary to enable it to carry into effect the provisions of this article.

651. The board shall consider matters pertaining to the registration of professional foresters at least once every six months at regular meetings and may, as necessary, meet solely for the purpose of considering matters to carry out the provisions of this article.

651.1. The Director of Conservation may appoint such clerical and secretarial employees, technical personnel, and other staff as may be necessary to properly assist the work of the board in carrying out the purposes of this article. Such staff personnel shall be subject to the relevant system and procedures of the state civil service. The provisions of the State Civil Service Act contained in Part 2 (commencing with Section 18500) of Division 5 of Title 2 shall apply to such personnel.

651.2. The board shall keep a complete record of all applications for registration and certification and the board's action thereon.

651.3. The board may by regulation provide for the issuance of certificates of specialization in such fields of specialization as the board may by regulation establish.

651.4. The board shall establish an examining committee of at least five members composed either of persons selected from its own membership or of professional foresters in good standing appointed by the board and serving at its pleasure, or any combination of such persons. The examining committee shall:

(a) Examine all applicants for registration as professional foresters and for specialty certificates.

(b) Recommend to the board applicants for the license of professional forester and applicants for specialty certificates who fulfill the requirements of this article.

(c) Recommend adoption of such rules and regulations or changes in rules and regulations as may be needed to effect the provisions of this article.

651.5. Professional foresters appointed to serve upon the examining committee shall serve without compensation, but each such member shall be reimbursed for the actual and necessary expenses incurred in the performance of his duties, including travel expenses.

651.6. The examining committee shall adhere to the rules and regulations of the board. Any applicant for a license pursuant to this article who contends that he has been aggrieved by any action taken by the examining committee with respect to his qualifications may appeal to the board in accordance with rules or regulations prescribed by the board. The board on such appeal may administer an oral or written examination to the applicant as an aid in determining whether the applicant is qualified under the terms of this article.

651.7. On and after July 1, 1973, it shall be unlawful for any person to act in the capacity of, or to use the title of, a professional forester without being registered pursuant to this article, unless exempted from the provisions thereof.

651.8. An applicant for a license pursuant to this article shall apply to the board. Such application shall be accompanied by the payment of a fee in an amount fixed by the provisions of this article.

651.9. The board shall require an applicant to demonstrate such degree of experience and such general knowledge of the profession of forestry as the board deems necessary for the protection of the public.

652. An applicant shall meet all of the following qualifications:

(a) Be of good moral character and have a good reputation for honesty and integrity.

(b) Furnish evidence of having completed seven years of experience in forestry work.

Possession of a degree of bachelor of science, or equivalent degree as determined by the board, with a major in forestry, shall be deemed equivalent to four years of experience in the actual practice of forestry work.

At least three of the seven years of experience shall include having charge of forestry work, or forestry work under the supervision of a person registered, or qualified for, but exempt from, registration under the provision of this article. Work completed prior to July 1, 1973, shall qualify if it was under the supervision of a qualified forester, as defined in Section 650.5. The award of a master of forestry degree shall be acceptable as evidence of one year of such qualifying experience.

(c) Has successfully completed such examination or examinations as are prescribed by the board.

652.1. (a) Examinations shall be given by the board as often as it is deemed necessary, but at least every six months.

(b) The examination may consist of both written and oral portions. A grade of 75 percent shall be necessary for successful completion of the examination.

652.2. An applicant failing in an examination may be examined again upon filing a new application and paying the application fee.

652.3. The board shall issue a license without examination to any person who has engaged in the practice of forestry for seven years during the last 12-year period if he makes application to the board within 180 days after the effective date of this article.

Such an applicant shall submit letters from two qualified foresters, as defined in Section 650.5, who have carried on such practice in the state for at least 10 years, certifying to the qualifications of the applicant and his experience. One year of college education may be substituted for one year of experience, not to exceed four years of the required seven years of experience in the practice of the profession of forestry.

652.4. An applicant may request to be registered as a professional forester and in addition to be certified as a specialist in one or more fields of forestry. Such certification as a specialist shall be granted provided the applicant meets all the requirements established by the board for certification of the specialties requested.

652.5. Licenses and specialty certificates issued pursuant to this article shall expire on July 1 of each year.

652.6. Issuance of a license may be denied if sufficient evidence is received by the board of the commission or doing by the applicant of any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of his license.

652.7. The board may upon its own motion, and shall upon the verified complaint in writing of any person, cause investigation to be made of the actions of any person licensed pursuant to this article, and may temporarily suspend or permanently revoke the license of any person who is guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary action.

652.8. Any accusations against a registrant or a certificant shall be filed within two years after the act or omissions alleged as the ground for disciplinary action. The proceedings under this article shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

652.9. In the event that the board finds against the registrant, or certificant, the board in its decision may do any of the following:

(a) Provide for the immediate complete suspension by the registrant or certificant of all operations as a professional forester during the period fixed by the decision.

(b) Permit the registrant or certificant to complete any or all contracts shown by competent evidence taken at the hearing to be then uncompleted.

(c) Impose upon the registrant or certificant compliance with

such specific conditions as may be just in connection with his operations as a professional forester, and may further provide that until such conditions are complied with no application for restoration of the suspended or revoked registration or certification shall be accepted by the board.

653. A registrant or certificant shall be subject to disciplinary action who:

- (a) Has been convicted of a felony.
- (b) Has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud, or gross incompetence in his practice.
- (c) Has been guilty of any fraud or deceit in obtaining his registration or certification.
- (d) Aids or abets any person in the violation of any provisions of this article.
- (e) Fails in any material respect to comply with the provisions of this article.

653.1. Any person who violates any of the provisions of this article is guilty of a misdemeanor.

653.2. The fees received pursuant to this article shall be deposited in the Professional Forester Registration Fund in the State Treasury, which fund is hereby created.

653.3. All fees received pursuant to the provisions of this article shall be available, when appropriated by the Legislature, for the administration of this article.

653.4. The amount of fees prescribed by this chapter is that fixed by the following schedule:

- (a) The application fee for a license is fifteen dollars (\$15).
- (b) The license fee and specialty certificate fees shall be set by the board at not less than twenty-five dollars (\$25) and not more than one hundred dollars (\$100).
- (c) The application fee for specialty certificates shall be fifteen dollars (\$15).
- (d) The fee for issuance of a duplicate license or specialty certificate shall be five dollars (\$5).
- (e) The annual renewal fee shall be fixed by the board at not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- (f) The penalty fee for failure to apply for a renewal is five dollars (\$5) for each month of delinquency, except that a licensee or certificant may, upon written notice to the board, be granted a withdrawal for a stated period of time without penalty.
- (g) Withdrawals cannot exceed five years at any one time. A reinstatement application will be accompanied with a fee of fifteen dollars (\$15).
- (h) Every registered professional forester who desires to retain his registration on the books of the board shall, on or before the first day of July of each year, pay the renewal fee. In return for the payment of the renewal fee, a renewal certificate of registration shall be issued.

The amount of fees provided for herein shall be based on a determination by the board of the amount of revenues reasonably necessary to carry out the provisions of this article.

653.5. In case any person defaults in payment of the renewal fee, his registration may be revoked by the board on 60 days' notice in writing from the board, unless within this time the fee is paid, together with penalty, not exceeding the amount fixed by this article. Upon payment of the fee and penalty, the board shall reinstate such person's registration.

CHAPTER 801

An act to amend Section 128 of, and to add and repeal Section 8030.5 of, the Business and Professions Code, relating to shorthand reporters, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 128 of the Business and Professions Code, as added by Chapter 1363 of the Statutes of 1971, is amended to read:

128. Notwithstanding any other provision of law except Section 8030.5, if at the end of any fiscal year an agency within the Department of Consumer Affairs has unencumbered funds in an amount which equals or is more than the agency's operating budget for the next two fiscal years, such agency shall reduce pro rata all the license or other fees payable by persons regulated by such agency, whether such license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount which will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

SEC. 2. Section 8030.5 is added to the Business and Professions Code, to read:

8030.5. (a) To provide for the advancement of the science of shorthand reporting, all fees received by the board pursuant to subdivisions (b) to (e), inclusive, of Section 8031, in excess of the board's operating budget for two fiscal years shall be used, by the board, for the purpose of funding either or both:

(1) Scholarships for shorthand reporting to applicants on the basis of need; and

(2) Educational programs in high schools, junior colleges, adult education schools, colleges, and universities, to promote interest in the profession of shorthand reporting among students.

(b) All moneys held in the Shorthand Reporters' Fund on the effective date of this section in excess of the board's operating budget for the 1972-73 and 1973-74 fiscal years shall be used as provided in subdivision (a).

This section shall remain in effect until July 1, 1975, and as of such date is repealed.

SEC. 2.5. It is the intent of the Legislature, if this bill and Senate Bill No. 901 are both chaptered and this bill amends and Senate Bill No. 901 repeals Section 128 of the Business and Professions Code, as added by Chapter 1363 of the Statutes of 1971, and this bill is chaptered after Senate Bill No. 901, that Section 1 of this bill shall not become operative.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit expenditure of funds for the advancement of the science of shorthand reporting for this fiscal year in the manner provided for in this act, it is necessary that the act take effect immediately.

CHAPTER 802

An act to amend Section 4701 of the Civil Code, relating to child support.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4701 of the Civil Code is amended to read:
4701. In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order shall operate as an assignment and be binding upon an employer upon the service of a copy of such order upon such employer and until further order of the court. The employer may deduct the sum of one dollar (\$1) for each payment made pursuant to such order. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

CHAPTER 803

An act to amend Sections 12709, 12747, and 12779 of, and to add Sections 12728.1, 12762.1, and 12799.25 to, the Business and Professions Code, relating to weighmasters.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12709 of the Business and Professions Code is amended to read:

12709. The department may refuse to grant any license provided for by this chapter, or may refuse to renew any such license, and may revoke or suspend any such license when, after a hearing had in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the department is satisfied the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster, has had his bond canceled or forfeited, or has otherwise been found guilty of a misdemeanor as provided in this chapter.

SEC. 2. Section 12728.1 is added to the Business and Professions Code, to read:

12728.1. When the scale is located at the site where the vehicle is loaded and the vehicle is weighed before entering a highway, the gross weight of any vehicle whose prescribed load limit is 76,800 pounds shall not be permitted to exceed by more than 500 pounds the prescribed load limit for the vehicle or combination of vehicles as a unit of equipment. Under such circumstances, any weighmaster or deputy weighmaster who certifies the weight of a load which exceeds by more than 500 pounds the prescribed load limit shall be subject to punishment under Section 12732.

SEC. 3. Section 12747 of the Business and Professions Code is amended to read:

12747. The department may refuse to grant any license provided for by this chapter, or may refuse to renew any such license, and may revoke or suspend any such license, when, after a hearing had in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the department is satisfied that the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster, has had his bond canceled or forfeited, or has otherwise been found guilty of a misdemeanor as provided by this chapter.

SEC. 4. Section 12762.1 is added to the Business and Professions Code, to read:

12762.1. When the scale is located at the site where the vehicle is loaded and the vehicle is weighed before entering a highway, the gross weight of any vehicle whose prescribed load limit is 76,800 pounds shall not be permitted to exceed by more than 500 pounds

the prescribed load limit for the vehicle or combination of vehicles as a unit of equipment. Under such circumstances, any weighmaster or deputy weighmaster who certifies the weight of a load which exceeds by more than 500 pounds the prescribed load limit shall be subject to punishment under Section 12765.

SEC. 5. Section 12779 of the Business and Professions Code is amended to read:

12779. The department may refuse to grant any license provided for by this chapter, or may refuse to renew any such license, and may revoke or suspend any such license when, after a hearing, had in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the department is satisfied the applicant or licensee is not qualified to capably or reliably perform the duties of a weighmaster, has had his bond canceled or forfeited, or has otherwise been found guilty of a misdemeanor as provided in this chapter.

SEC. 6. Section 12799.25 is added to the Business and Professions Code, to read:

12799.25. When the scale is located at the site where the vehicle is loaded and the vehicle is weighed before entering a highway, the gross weight of any vehicle whose prescribed load limit is 76,800 pounds shall not be permitted to exceed by more than 500 pounds the prescribed load limit for the vehicle or combination of vehicles as a unit of equipment. Under such circumstances, any weighmaster or deputy weighmaster who certifies the weight of a load which exceeds by more than 500 pounds the prescribed load limit shall be subject to punishment under Section 12799.2.

CHAPTER 804

An act to add Section 6404 to the Agricultural Code, relating to plants.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6404 is added to the Agricultural Code, to read:

6404. The director may designate, by regulation, certain types or varieties of plants, which are arriving from certain areas, to be plants that may be released without inspection, if not specifically prohibited by quarantine or other restrictions, and that the director has provided by agreement with the regulatory officials of the state of origin as to compliance with the same standards of cleanliness which apply to nursery stock produced or sold in California.

CHAPTER 805

An act to amend Section 10752 of the Revenue and Taxation Code, and to repeal Section 9269 of the Vehicle Code, relating to taxation of motor vehicles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10752 of the Revenue and Taxation Code, as amended by Chapter 1437 of the Statutes of the 1971 Regular Session, is amended to read:

10752. The annual amount of the license fee shall be a sum equal to two (2) percent of the market value of the vehicle as determined by the department.

SEC. 2. Section 9269 of the Vehicle Code, as added by Chapter 1437 of the Statutes of the 1971 Regular Session, is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a conflict between Chapter 1437 of the Statutes of the 1971 Regular Session and Chapter 1448 of the Statutes of the 1971 Regular Session in that both related to the taxation of vehicles of historic value and enacted incompatible statutes that cannot both be effective. In order that certainty concerning the taxation of such vehicles of historic value be established by Chapter 1448 at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 806

An act to amend Section 39052 of, and to repeal and add Section 39054 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 39052 of the Health and Safety Code is amended to read:

39052. The board shall:

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the state department,

Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board. If the board finds, pursuant to Section 39054, that any rule or regulation of a local or regional authority submitted to it will not achieve applicable air quality standards, it may repeal such rule or regulation and promulgate a rule or regulation which it finds would achieve such standards. Such rule or regulation shall have the same force and effect as a rule or regulation adopted by the local or regional authority, and shall be enforced by the local or regional authority.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(h) Adopt formal procedures, after consultation with the state department, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter

4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrants such revision in the judgment of the board. If the board revises such test procedures, it may establish revised emission standards for new motor vehicles which standards shall be applicable when such revised test procedures are used in testing vehicles. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(l) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars (\$50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 2. Section 39054 of the Health and Safety Code is repealed.

SEC. 3. Section 39054 is added to the Health and Safety Code, to read:

39054. The board shall, before adopting, amending, or enforcing a coordinated basinwide air pollution control plan, a county program under such plan, or rules and regulations under such a plan or program, as provided in subdivision (f) of Section 39052, or Section 39274 or 39275, hold a public hearing, upon 30 days' written notice given to the basinwide air pollution coordinating council, if any, and the air pollution control districts affected. Upon receipt of evidence that a concentration of air contaminants in any place is presenting an imminent and substantial endangerment to the health of persons, and that the districts affected are not taking reasonable action to abate the concentration of air contaminants, the board shall give, orally if necessary, as much notice as possible, but not less than 24 hours, and the board shall in the action taken include a statement of the facts which prevented the board from giving 30 days' written notice.

CHAPTER 807

An act to amend Section 18300 of the Government Code, relating to firefighters.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18300 of the Government Code, as amended by Chapter 1055, Statutes of 1971, is amended to read:

18300. As used in this chapter the term "fireman of the state" or "fireman" shall be deemed to include a member of a fire department or fire service of the state, including the University of California, whether such members are volunteer, partly paid, or fully paid, excepting those whose principal duties are clerical, such as stenographers, telephone operators and other officeworkers. Such firemen shall be regularly employed or in the case of volunteer shall be regularly enrolled as such.

CHAPTER 808

An act to amend Sections 302, 9890.9, 9890.11, 9890.30, 9890.50, 9890.51, 9890.52, 9890.53, 9890.54, 9890.55, 9890.56, 9890.57, 9890.58, 9890.60, 9890.62, 9890.63, 9890.65, 9890.80, 9890.82, 9890.90, 9890.92, 9890.93, 9890.100, 9890.104, 9890.110, 9890.111, 9890.112, 9890.113, 9890.120, 9890.121, 9902, and 9915 of, and to add Section 303 to, the Business and Professions Code, relating to the Department of Consumer Affairs.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 302 of the Business and Professions Code is amended to read:

302. As used in this chapter, the following terms have the following meanings:

(a) "Department" means the Department of Consumer Affairs.

(b) "Director" means the Director of the Department of Consumer Affairs.

(c) "Consumer" means any individual who seeks or acquires, by purchase or lease, any goods, services, money, or credit for personal, family, or household purposes.

(d) "Person" means an individual, partnership, corporation, association, or other group, however organized.

(e) "Individual" does not include a partnership, corporation, association, or other group, however organized.

(f) "Division" means the Division of Consumer Services.

SEC. 2. Section 303 is added to the Business and Professions Code, to read:

303. There is in the department a Division of Consumer Services under the supervision and control of a chief. The chief shall be appointed by the Governor and shall serve at his pleasure. His compensation shall be fixed by the director in accordance with law.

SEC. 3. Section 9890.9 of the Business and Professions Code is amended to read:

9890.9. "Bureau" means the Bureau of Employment Agencies.

SEC. 4. Section 9890.11 of the Business and Professions Code is amended to read:

9890.11. "Chief" means the Chief of the Bureau of Employment Agencies.

SEC. 5. Section 9890.30 of the Business and Professions Code is amended to read:

9890.30. (a) The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor.

(b) The director shall be the appointing power for all personnel employed by the bureau to carry out the functions of the bureau

under this chapter.

(c) All inspection and investigative services shall be performed by personnel of the department's Division of Investigation.

SEC. 6. Section 9890.50 of the Business and Professions Code is amended to read:

9890.50. No person shall engage in the function or business of a nurses' registry, advertise as a nurses' registry, or engage in the function of or act as a nurses' agent by agreement, contract, or other means without first obtaining a license from the bureau. Such license shall be posted in a conspicuous place in the office of the nurses' registry. Licenses issued for nurses' registries prior to the effective date of the amendment of this section enacted by the 1972 Regular Session of the Legislature shall not be invalidated thereby, but renewals of such licenses shall be obtained in the manner prescribed by this chapter.

SEC. 7. Section 9890.51 of the Business and Professions Code is amended to read:

9890.51. A written application for a nurses' registry license shall be made to the bureau in the form prescribed thereby and shall include:

(a) The name and address of the applicant, or the names and addresses of each partner from applicant partnerships, or each officer, from applicant corporations.

(b) The full address of the building where the business of the nurses' registry is to be conducted.

(c) The business or occupation engaged in by the applicant for the past five years preceding the date of application.

(d) The proposed name of the nurses' registry. The bureau shall reject any proposed name which is the same or similar to that of a licensed nurses' registry. When such name is used on any sign, advertising or promotional material, the entire name as shown on the license shall be used.

(e) The application shall be accompanied by affidavits of at least three reputable residents of the state that the person is of good moral character. One of the affidavits shall be from a physician and surgeon licensed by the State of California.

(f) Such questions and information as will assure the bureau of the applicant's eligibility to hold a license.

SEC. 8. Section 9890.52 of the Business and Professions Code is amended to read:

9890.52. Upon receipt of an application for a license, the bureau shall cause an investigation to be made as to the character and responsibility of the applicant, and of the premises designated in such application as the place in which it is proposed to conduct the business or functions of a nurses' registry.

SEC. 9. Section 9890.53 of the Business and Professions Code is amended to read:

9890.53. To be eligible for application for a license, the applicant shall show financial responsibility, and the applicant, or one partner

of a partnership, or one officer of a corporation shall have all the following:

- (a) Be of good moral character.
- (b) Be at least 21 years of age.
- (c) Be a person whose license in any field of endeavor has not been revoked within five years from the date of application.
- (d) Be a person with a minimum of two years' experience in personnel work or equivalent experience as determined by the bureau.
- (e) Be a person who has completed the 12th grade, except that the bureau may establish proof satisfactory to them that the applicant is possessed of a 12th grade education in point of intellectual competency and achievement.

SEC. 9.5. Section 9890.53 of the Business and Professions Code is amended to read:

9890.53. To be eligible for application for a license, the applicant shall show financial responsibility, and the applicant, or one partner of a partnership, or one officer of a corporation shall have all the following:

- (a) Be of good moral character.
- (b) Be at least 18 years of age.
- (c) Be a person whose license in any field of endeavor has not been revoked within five years from the date of application.
- (d) Be a person with a minimum of two years' experience in personnel work or equivalent experience as determined by the bureau.
- (e) Be a person who has completed the 12th grade, except that the bureau may establish proof satisfactory to them that the applicant is possessed of a 12th grade education in point of intellectual competency and achievement.

SEC. 10. Section 9890.54 of the Business and Professions Code is amended to read:

9890.54. Upon completion of the investigation by the bureau and upon the favorable recommendation of the bureau, the license to conduct a nurses' registry shall be issued. A decision shall be given within 90 days from the date of receipt of the application by the bureau.

SEC. 11. Section 9890.55 of the Business and Professions Code is amended to read:

9890.55. The bureau shall not grant a license to conduct a nurses' registry:

- (a) In rooms used for living purposes.
- (b) Where boarders or lodgers are kept.
- (c) Where meals are served for profit.
- (d) Where persons sleep.

SEC. 12. Section 9890.56 of the Business and Professions Code is amended to read:

9890.56. The bureau, on proper notice or hearing, may refuse to grant a license. Such proceedings shall be conducted in accordance

with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the bureau shall have all the powers granted therein.

SEC. 13. Section 9890.57 of the Business and Professions Code is amended to read:

9890.57. Each license issued shall run to and including the 31st day of March next following the date of issuance, unless sooner revoked by the bureau, and may be renewed each year upon the filing of an application of renewal. Failure to renew a license on or before March 31st of each year shall constitute an automatic suspension of the license until the license is renewed. A person whose license is suspended pursuant to this section, shall not carry on the business of a nurses' registry during the period of suspension.

SEC. 14. Section 9890.58 of the Business and Professions Code is amended to read:

9890.58. The license shall protect only the person or persons to whom it is issued and only those places for which it is issued. No license shall be issued, transferred or assigned to any person unless written consent is obtained from the bureau.

SEC. 15. Section 9890.60 of the Business and Professions Code is amended to read:

9890.60. The bureau may grant permission to establish branch offices to any licensed nurses' registry. No branch office shall be established without written permission of the bureau.

SEC. 16. Section 9890.62 of the Business and Professions Code is amended to read:

9890.62. All valid, unforfeited and unrevoked nurses' registry licenses in effect, on the effective date of the amendment of this section enacted by the 1972 Regular Session of the Legislature, may be renewed from year to year.

SEC. 17. Section 9890.63 of the Business and Professions Code is amended to read:

9890.63. The bureau may issue to a person eligible therefor a certificate of convenience to conduct the business of a nurses' registry where the person licensed to conduct such nurses' registry has expired, or has been declared incompetent by the judgment of a court of competent jurisdiction, or has had a conservator appointed for his estate by a court of competent jurisdiction. Such a certificate of convenience may be denominated as an estate certificate of convenience.

SEC. 18. Section 9890.65 of the Business and Professions Code is amended to read:

9890.65. The estate certificate of convenience shall continue in force for a period of not to exceed 90 days, renewable by the bureau for only one additional period of 90 days pending the disposal of the nurses' registry license or the procurement of a new license under the provisions of this chapter.

SEC. 19. Section 9890.80 of the Business and Professions Code is amended to read:

9890.80. A nurses' registry shall deposit with the bureau, prior to the issuance or renewal of a license, a surety bond in the penal sum of one thousand dollars (\$1,000).

SEC. 20. Section 9890.82 of the Business and Professions Code is amended to read:

9890.82. If any licensee fails to file a new bond with the bureau within 30 days after notice of cancellation by the surety of the bond required under Section 9890.80, the license issued to the principal under the bond shall be automatically suspended until such time as a new surety bond is filed. A person whose license is suspended pursuant to this section, shall not carry on the business of nurses' registry during the period of such suspension.

SEC. 21. Section 9890.90 of the Business and Professions Code is amended to read:

9890.90. Nurses' registries may enter into a continuing contract with private duty nurses covering the assignment of such nurses by such nurses' registries. The continuing contract shall state:

(a) The name, address and telephone number of the nurses' registry.

(b) The name, address and telephone number of the nurse.

(c) The fee schedule of the nurses' registry currently on file with the bureau.

(d) The date of its execution by the nurses' registry and the nurse.

(e) The contract shall specify that the provisions thereof are to govern only the assignment of private duty nurses and shall:

(1) Designate the nurses' registry as the continuous agent of the nurse for purposes of assignment.

(2) Provide that the contract in effect may be terminated at any time by written notice given one to the other for any future assignment.

(3) Provide for delivery to the nurse at the time of the execution of the contract a written schedule of the rates of nurses charges currently agreed to between the nurses' registry and the nurse for the nurse's services to the patient.

(4) State that the nurses' registry will immediately notify the nurse in writing of all subsequent changes in the rates to be charged the patient for services, and that the nurse shall agree to abide by these rates.

(5) Contain express undertakings by the nurses' registry that it shall continuously maintain true and correct records of orders and assignments as provided in this chapter.

(6) Provide that the nurses' registry shall periodically and at least once each month render to the nurse a written statement of all fees claimed to be due the nurses' registry, and further that such statement shall adequately identify each assignment as to the inception date and period of service covered by the claim, including the name of the patient and the amount of service fee claimed.

(7) Contain appropriate wording advising the nurse of his right to dispute the correctness of any service fee claimed by the nurses'

registry in such written statement above referred to, and that in the absence of objections within a reasonable time, any such service fee may be presumed to be correctly charged.

(8) Include any other term, condition, or understanding agreed upon between the nurses' registry and the nurse.

SEC. 22. Section 9890.92 of the Business and Professions Code is amended to read:

9890.92. Each nurses' registry shall submit to the bureau all forms of contract to be utilized by such nurses' registry in entering into written contracts with private duty nurses for the use of the services of such nurses' registry and secure approval as to form from the bureau. Such approval shall not be withheld as to any proposed form of contract, when at least the basics of all of the eight foregoing points are included in the contract. There shall be printed on the face of the contract in prominent type, "This nurses' registry is licensed by the Bureau of Employment Agencies."

SEC. 23. Section 9890.93 of the Business and Professions Code is amended to read:

9890.93. (a) Each person engaged in the business or function of a nurses' registry shall file with the bureau a schedule of the fees to be charged the nurse, for the services rendered by the nurses' registry. No change in fee schedule becomes effective until 10 days after the filing date with the bureau, and until each nurse under active contract for the use of the services rendered by the nurses' registry has been notified by mail of the change and its effective date.

(b) No fee shall be charged except for actual assignment.

SEC. 24. Section 9890.100 of the Business and Professions Code is amended to read:

9890.100. Each such nurses' registry shall post in a conspicuous place in the office of the nurses' registry a printed copy of this chapter. Such copies shall also contain the name and address of the bureau. The bureau shall furnish to nurses' registries printed copies of any statute required to be posted under the provisions of this section.

SEC. 25. Section 9890.104 of the Business and Professions Code is amended to read:

9890.104. No person shall accept a fee from a private duty nurse because of an assignment for nursing service unless such person is licensed by the bureau as a nurses' registry.

SEC. 26. Section 9890.110 of the Business and Professions Code is amended to read:

9890.110. The bureau may suspend or revoke licenses after proper notice and hearing to the licensee, if the licensee has been found guilty by the bureau of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the bureau shall have all the powers granted therein.

SEC. 27. Section 9890.111 of the Business and Professions Code is

amended to read:

9890.111. All accusations against licensees shall be filed with the bureau within one year after the performance of the act or omission alleged as the ground for disciplinary action.

SEC. 28. Section 9890.112 of the Business and Professions Code is amended to read:

9890.112. Upon receipt of a complaint, or upon its own motion, the bureau shall ascertain whether or not the accused licensee has been guilty of an act or omission constituting a ground for disciplinary action and make or cause to be made such investigation it deems necessary in order to ascertain this fact. All inspections and investigations are to be performed by personnel assigned by the director.

SEC. 29. Section 9890.113 of the Business and Professions Code is amended to read:

9890.113. Acts or omissions constituting grounds for disciplinary action by the bureau shall include, but shall not be limited to:

- (a) Engaging in unprofessional conduct.
- (b) Obtaining a license by fraud, misrepresentation or mistake.
- (c) Violations or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiracy to violate, any provision or term of this chapter.
- (d) Making or giving any false statement or information in connection with the application for issuance of a license.
- (e) Conviction of a felony or any crime involving moral turpitude.
- (f) Engaging in any other conduct, whether of the same, or different nature than specified in this section which constitutes fraud or dishonest dealing.

SEC. 30. Section 9890.120 of the Business and Professions Code is amended to read:

9890.120. The bureau shall receive and account for all fees and revenues derived from the operation of this chapter and at the end of each month, shall report such fees and revenues to the State Controller. These fees shall be deposited in the Nurses' Registry Fund, which fund is hereby created. The fees and revenues contained in this fund are continuously appropriated to the bureau to carrying out the provisions of this chapter. All fees deposited in the Nurses' Registry Fund during the 1970-1971 fiscal year, in excess of fees over expenditures from the fund during such fiscal year, but not to exceed two thousand dollars (\$2,000), shall be transferred to the General Fund.

SEC. 31. Section 9890.121 of the Business and Professions Code is amended to read:

9890.121. The bureau shall charge the following fees:

- (a) A filing fee of fifty dollars (\$50) for each new application for a nurses' registry license.
- (b) A filing fee of one hundred dollars (\$100) for each new application for a branch license.
- (c) A filing fee of fifty dollars (\$50) for application to transfer or

assign a license.

(d) A fee of not more than one hundred fifty dollars (\$150) for the initial issuance, and for any renewal, of a nurses' registry license.

(e) A renewal fee of not more than seventy-five dollars (\$75) for each license of each nurses' registry branch license.

(f) A reinstatement fee of two hundred dollars (\$200) in addition to other fees to reinstate a nurses' registry license revoked or suspended.

SEC. 32. Section 9902 of the Business and Professions Code is amended to read:

9902. As used in this chapter, "employment agency" or "agency" means any of the following:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry other than a nurses' registry as defined in Section 9890.6, or any agency, business or office which procures, offers, promises or attempts to procure employment or engagements for others or employees for employers, or for the registration of persons seeking to procure or retain employment or engagement, or for giving information as to where and from whom such help, employment or engagement may be procured, or for providing employment or engagements where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, or club, which by advertisement or otherwise offers, as one of its main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor.

(1) A labor contractor is any person, who, for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person.

(3) A central hiring establishment, intelligence office, registry other than a nurses' registry, agency or place maintained without cost to applicants for employment by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of this code, does not constitute a labor contractor within the meaning of this chapter.

(4) A person employing individuals to render part-time or temporary personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if the person employing the individuals, in addition to wages or

salaries, pays federal social security taxes, state and federal unemployment insurance, carries workmen's compensation insurance as required by state law, and sustains responsibility for the acts of his employees while rendering services to, for or under the direction of a third person, and has no applicant paid liquidated damage clause. The person employing individuals to render part-time or temporary personal services shall not send the employees to any place where a strike, lockout or labor dispute exists.

SEC. 33. Section 9915 of the Business and Professions Code is amended to read:

9915. Nothing in this chapter shall apply to a nurses' registry, as defined or licensed under Chapter 20.5 (commencing with Section 9890) of Division 3.

SEC. 34. All rules and regulations adopted by the Chief of the Division of Consumer Services for the administration of Chapter 20.5 (commencing with Section 9890) of Division 3 of the Business and Professions Code which are in effect on the effective date of this act shall remain in effect until the Chief of the Bureau of Employment Agencies, with the approval of the Director of Consumer Affairs, adopts regulations for the administration of that chapter.

SEC. 35. It is the intent of the Legislature, if this bill and Assembly Bill No. 686 are both chaptered and amend Section 9890.53 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 686, that the amendments to Section 9890.53 proposed by both bills be given effect and incorporated in Section 9890.53 in the form set forth in Section 9.5 of this act. Therefore, Section 9.5 of this act shall become operative only if this bill and Assembly Bill No. 686 are both chaptered, both amend Section 9890.53, and Assembly Bill No. 686 is chaptered before this bill, in which case Section 9 of this act shall not become operative.

CHAPTER 809

An act to amend Section 1425 of the Penal Code, relating to jurisdiction of justice courts.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1425 of the Penal Code is amended to read:

1425. Justice courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars (\$1,000), or imprisonment not exceeding one year, or by both such fine and imprisonment, where the offense charged was committed within the county in which the court is established except those of which other courts are given exclusive

jurisdiction. Each justice court shall have exclusive jurisdiction in all cases involving the violation of ordinances of cities or towns situated within the district in which such court is established.

SEC. 2. The amendments to Section 1425 of the Penal Code made by this act shall remain operative until January 1, 1975, and on and after that date Section 1425 of the Penal Code shall read as it did immediately before the effective date of this act.

CHAPTER 810

An act to amend Sections 25101, 25110, 25111, 25120, 25212, 25232, 25300, 25503, 25608, and 29551 of the Corporations Code, relating to investments.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25101 of the Corporations Code is amended to read:

25101. The following securities are exempted from the provisions of Section 25130:

(a) Any security issued by a person which is the issuer of any security registered under Section 12 of the Securities Exchange Act of 1934 and which has a class of equity securities held by 500 or more persons and has total assets exceeding one million dollars (\$1,000,000), or any security which is exempted from registration under Section 12 of that act by Section 12(g) (2) (G) of that act or which is issued by an investment company registered under the Investment Company Act of 1940; provided, however, that this exemption does not apply to such securities offered pursuant to a registration under the Securities Act of 1933 or pursuant to an exemption under Regulation A under that act if the aggregate offering price of the securities offered under such exemption exceeds fifty thousand dollars (\$50,000).

SEC. 1.5. Section 25110 of the Corporations Code is amended to read:

25110. It is unlawful for any person to offer or sell in this state any security in an issuer transaction (other than in a transaction subject to Section 25120), whether or not by or through underwriters, unless such sale has been qualified under Section 25111, 25112 or 25113 (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part.

SEC. 2. Section 25111 of the Corporations Code is amended to read:

25111. (a) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be qualified by coordination under this section either in an issuer or nonissuer transaction.

(b) An application for qualification under this section shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (1) a copy of the registration statement under the Securities Act of 1933, together with all exhibits (other than exhibits incorporated by reference and those specified by rule of the commissioner, unless requested by the commissioner); (2) an undertaking to forward to the commissioner all future amendments to the registration statement under the Securities Act of 1933, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs; and (3) such other information as may be required to evidence compliance with any rules of the commissioner. Such application must be filed with the commissioner not later than the fifth business day following filing of the registration statement with the Securities and Exchange Commission, unless such time is extended by rule or order of the commissioner.

(c) Qualification of the sale of securities under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order or order under subdivision (a) of Section 25143 is in effect under this law; (2) the application has been on file with the commissioner for at least 10 days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two business days or such shorter period as the commissioner permits by rule or order and the offering is made within those limitations. The applicant shall promptly notify the commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment to the application containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, interest, dividend or conversion rates, call prices and other matters related to the offering price. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the

application for qualification or suspending its effectiveness until compliance with this subdivision, if he promptly notifies the applicant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the applicant proves compliance with the requirements of this subdivision as to notice and posteffective amendment, the stop order is void as of the time of its entry. The commissioner may by rule or order waive either or both of the conditions specified in clauses (2) and (3) of this subdivision. If the federal registration statement becomes effective before all the conditions in this subdivision are satisfied and they are not waived, the application for qualification automatically becomes effective as soon as all the conditions are satisfied. If the applicant advises the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly advise the applicant by telephone or telegram, at the applicant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under Section 25140 or 25143; but this advice by the commissioner does not preclude the institution of such a proceeding at any time.

SEC. 2.5. Section 25120 of the Corporations Code is amended to read:

25120. It is unlawful for any person to offer or sell in this state any security in an issuer transaction in connection with any change in the rights, preferences, privileges, or restrictions of or on outstanding securities or in any exchange of securities by the issuer with its existing security holders exclusively or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration wholly or in part of the issuance of securities, unless the security is qualified for sale under this chapter (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part.

SEC. 3. Section 25212 of the Corporations Code is amended to read:

25212. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, suspend for a period not exceeding 12 months or revoke the certificate of, any broker-dealer if he finds that such censure, denial, suspension, or revocation is in the public interest and that such broker-dealer, whether prior or subsequent to becoming such, or any partner, officer, director, or branch manager of such broker-dealer, whether prior or subsequent to becoming associated with such broker-dealer, or any person directly or indirectly controlling such broker-dealer, whether prior or subsequent to becoming such, or any agent employed by such broker-dealer while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or in any report required to be filed with the

commissioner under this law, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted to state in any such application or report any material fact which is required to be stated therein; or

(b) Has been either (1) convicted of or has pled nolo contendere to a felony or misdemeanor, or (2) held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any security, (ii) arose out of the conduct of the business of a broker-dealer or investment adviser, (iii) involved embezzlement, fraudulent conversion or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, or broker-dealer, or as an affiliated person or employee of any investment company, bank or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any other state denying registration to or revoking or suspending the registration of such person as a broker or dealer or investment adviser or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities Exchange Act of 1934) suspending or expelling such person from membership in such association or exchange; or

(e) Has willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code, including the Franchise Investment Law, Division 5 (commencing with Section 31000), or of any rule or regulation under any of such statutes; or

(f) Has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any of the statutes or rules or regulations referred to in subdivision (e) above, or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules and regulations, another person who commits such a violation, if such other person is subject to his supervision; for the purposes of this subdivision, no person shall be deemed to have failed reasonably to supervise any person if (1) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (2) such person has reasonably discharged the duties and obligations

incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

(g) Is subject to any currently effective order of the commissioner entered pursuant to Section 25213 revoking or suspending the certificate of such person as an agent.

SEC. 4. Section 25232 of the Corporations Code is amended to read:

25232. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, or suspend for a period not exceeding 12 months or revoke the certificate of, an investment adviser, if he finds that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling such investment adviser, whether prior or subsequent to becoming such, or any employee of such investment adviser while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or any report filed with the commissioner under this law, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted to state in any such application or report any material fact which is required to be stated therein; or

(b) Has been either (1) convicted of or has pled nolo contendere to any felony or misdemeanor, or (2) held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any security, (ii) arose out of the conduct of the business of a broker-dealer or investment adviser, (iii) involved embezzlement, fraudulent conversion, or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter or broker-dealer or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any other state revoking or suspending his registration as an investment adviser or as a broker or dealer or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities Exchange Act of 1934)

suspending or expelling him from membership in such association or exchange; or

(e) Has willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code, or of any rule or regulation under any of such statutes; or

(f) Has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any statute or rule or regulation referred to in subdivision (e).

SEC. 5. Section 25300 of the Corporations Code is amended to read:

25300. (a) No person shall publish any advertisement in this state concerning any security sold or offered for sale in this state unless a true copy of the advertisement has first been filed in the office of the commissioner at least three business days prior to the publication or such shorter period as the commissioner may by rule or order allow.

(b) Subdivision (a) of this section does not apply to:

(1) Any advertisement for any security published by a licensed broker-dealer if he is not effecting transactions in such security as an underwriter or other participant in a distribution for the issuer;

(2) Any advertisement for any security published by an issuer or any underwriter or other participant in a distribution for the issuer if the security or transaction is exempted by the provisions of Chapter 1 (commencing with Section 25100) of Part 2 of this division;

(3) Any advertisement for any security in a nonissuer transaction if the security is exempted by Section 25100 or an offer of the security is exempted by subdivision (g) of Section 25104;

(4) Any advertisement permitted or required by Section 5(b)(2) or Section 2(10)(b) of the Securities Act of 1933 with respect to a security which has been registered under the Securities Act of 1933 and qualified for sale in this state; or

(5) Any other advertisement exempted by rule of the commissioner.

SEC. 6. Section 25503 of the Corporations Code is amended to read:

25503. Any person who violates Section 25110, 25130 or 25133, or a condition of qualification under Chapter 2 (commencing with Section 25110) of this part, imposed pursuant to Section 25141, or an order suspending trading issued pursuant to Section 25219, shall be liable to any person acquiring from him the security sold in violation of such section, who may sue to recover the consideration he paid for such security with interest thereon at the legal rate, less the amount of any income received therefrom, upon the tender of such security, or for damages, if he no longer owns the security, or if the consideration given for the security is not capable of being returned. Damages, if the plaintiff no longer owns the security, shall be equal to the difference between (a) his purchase price plus interest at the

legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received therefrom by the plaintiff.

Damages, if the consideration given for the security is not capable of being returned, shall be equal to the value of that consideration plus interest at the legal rate from the date of purchase, provided the security is tendered; and if the plaintiff no longer owns the security, damages in such case shall be equal to the difference between (a) the value of the consideration given for the security plus interest at the legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received therefrom by the plaintiff. Any person who violates Section 25120 or a condition of qualification under Chapter 3 (commencing with Section 25120) of this part imposed pursuant to Section 25141, shall be liable to any person acquiring from him the security sold in violation of such section who may sue to recover the difference between (a) the value of the consideration received by the seller and (b) the value of the security at the time it was received by the buyer, with interest thereon at the legal rate from the date of purchase. Any person on whose behalf an offering is made and any underwriter of the offering, whether on a best efforts or a firm commitment basis, shall be jointly and severally liable under this section, but in no event shall any underwriter (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share in proportion to their respective interest in the underwriting) be liable in any suit or suits authorized under this section for damages in excess of the total price at which the securities underwritten by him and distributed to the public were offered to the public. Any tender specified in this section may be made at any time before entry of judgment. No person shall be liable under this section for violation of Section 25110, 25120 or 25130 if the sale of the security is qualified prior to the payment or receipt of any part of the consideration for the security sold, even though an offer to sell or a contract of sale may have been made or entered into without qualification.

SEC. 7. Section 25608 of the Corporations Code is amended to read:

25608. (a) The commissioner shall charge and collect the fees fixed in this section. All fees charged and collected under this section shall be transmitted to the State Treasurer at least weekly, accompanied by a detailed statement thereof and shall be credited to the General Fund.

(b) The fee for filing an application for a negotiating permit under subdivision (c) of Section 25102 is fifty dollars (\$50).

(c) The fee for filing a notice pursuant to clause 5 of subdivision (h) of Section 25102 is twenty-five dollars (\$25).

(d) The fee for filing an application for designation of an issuer pursuant to subdivision (k) of Section 25100 is fifty dollars (\$50).

(e) The fee for filing an application for qualification of the sale of securities by notification under Section 25112 or by permit under Section 25113 (except applications for qualification by permit of the sale of any guarantee of any security, the fees for which applications are fixed in subdivision (j) of this section) is one hundred dollars (\$100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand five hundred dollars (\$1,500).

(f) The fee for filing an application for qualification of the sale of securities by coordination under Section 25111 is one hundred dollars (\$100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand one hundred dollars (\$1,100).

(g) For the purpose of determining the fees fixed in subdivisions (e) and (f):

(1) The value of the securities shall be the price at which the company proposes to sell the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when sold, whichever is greater.

(2) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(3) The value of a warrant or right to purchase or subscribe to another security of the same or another issuer shall be an amount equal to the consideration to be paid for such warrant or right plus an amount equal to the consideration to be paid upon purchase of the additional securities, provided that if such latter amount is not determinable at the time of qualification, such amount shall be the then value of such additional securities as determined by the commissioner.

(4) In the case of a share dividend where the shareholders are given an option to accept either cash or additional shares of common stock, the value of the securities to be sold shall be the maximum amount of cash which would be payable in the event that all shareholders elected to accept cash.

(h) The fee for filing an application for qualification of the sale of securities by permit under Section 25121 is:

(1) One hundred dollars (\$100) in connection with any change (including any stock split or reverse stock split or stock dividend, except a stock dividend where the shareholders are given an option to accept either cash or additional shares of common stock) in the rights, preferences, privileges, or restrictions of or on outstanding securities;

(2) One hundred dollars (\$100) plus one-tenth of 1 percent of the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration to be received in exchange therefor, up to a maximum aggregate fee of one thousand five

hundred dollars (\$1,500), in any exchange of securities by the issuer with its existing security holders exclusively, or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration of the issuance of securities.

(i) The fee for filing an application for qualification of the sale of securities by notification under Section 25131 and the fee for an application for the removal of any condition under Section 25141 is twenty-five dollars (\$25).

(j) The fee for filing any application for a permit to execute or issue any guarantee of any security is fifty dollars (\$50).

(k) The fee for acting as escrow holder for securities under Section 25149 is fifty dollars (\$50). In addition, a fee of two dollars and fifty cents (\$2.50) shall be paid for the deposit with the commissioner of each new certificate or other document resulting from a transfer in escrow.

(l) The fee for filing an application for an order (1) consenting to the transfer in escrow of securities, (2) consenting to the transfer of securities subject to any condition imposed by the commissioner requiring the commissioner's consent to such transfer, or (3) consenting to the transfer of securities subject to a legend stamped or printed on the certificates evidencing such securities pursuant to subdivision (h) of Section 25102, is ten dollars (\$10) for each transferor.

(m) The filing fee for an amendment to an application filed after the effective date of the qualification of the sale of securities is fifty dollars (\$50) plus any additional fee which would have been required to be paid with the original application for qualification of the sale of securities under this section if the matters set forth in the amendment had been included in the original application.

(n) The fee for filing an application for a broker-dealer under Section 25211 is two hundred dollars (\$200) for the first office or location and seventy dollars (\$70) for each additional office or location in California, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every broker-dealer who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of two hundred dollars (\$200) for the first office or location and seventy dollars (\$70) for each additional office or location in California on or before the 15th day of December preceding the additional period.

(o) The fee for filing an application for an agent under Section 25211 is fifty dollars (\$50) if the certificate is granted in an even-numbered year, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted and during the following calendar year. The fee for such certificate is twenty-five dollars (\$25) if the certificate is granted in an odd-numbered year, and payment of this amount shall

keep the certificate in effect during the calendar year during which it is granted. Every agent who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of fifty dollars (\$50) on or before the 15th day of December preceding the additional period.

(p) The fee for filing an application for an investment adviser under Section 25231 is one hundred dollars (\$100), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year during the following calendar year. Every investment adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of one hundred dollars (\$100) on or before the 15th day of December preceding the additional period.

(q) The fee for any examination, audit, or investigation is the actual amount of the salary or other compensation paid to the persons making the examination, audit, or investigation plus the actual amount of expenses reasonably incurred in the performance of the work.

(r) The fee for any hearing held by the commissioner pursuant to Section 25142 shall be the sum determined by the commissioner to cover the actual expense of noticing and holding such hearing.

(s) The commissioner may fix by rule a reasonable charge for any publications issued under his authority; provided, however, that such charges shall not be applicable to reports of the commissioner in the ordinary course of distribution.

SEC. 8. Section 29551 of the Corporations Code is amended to read:

29551. The fee for filing an application for a commodity adviser under Section 29515 is one hundred dollars (\$100), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of one hundred dollars (\$100) on or before the 15th day of December preceding the additional period.

SEC. 9. The amendments to Sections 25608 and 29551 of the Corporations Code made by Sections 7 and 8 of this act shall become operative on July 1, 1973.

SEC. 10. Sections 1.5 and 2.5 of this act do not constitute changes in but are declaratory of existing law.

CHAPTER 811

*An act to amend Section 21681 of the Public Utilities Code,
relating to aviation.*

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21681 of the Public Utilities Code is amended to read:

21681. For the purposes of this article:

(a) "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity. All leases to the public entity of property must be approved by the department. A lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.

(b) "Matching funds" means money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(f) "Airport and aviation purposes" means expenditures of a capital improvement nature for any of the following purposes:

(1) Land acquisition for development and improvement of general aviation aircraft landing facilities.

(2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.

(3) Construction or reconstruction of runways or taxiways.

(4) Acquisition of "runway clear zones" as defined in current regulations of the Federal Aviation Administration.

(5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.

(6) Removal of natural obstructions from runway clear zones.

(7) Original installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.

(8) Original installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.

(9) Original erection of minimum security fencing around the perimeter of an aircraft landing facility.

(10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.

(11) Construction or reconstruction of transient general aviation aircraft parking areas.

(12) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.

(13) Air navigational facilities.

(14) Such other capital improvements as may from time to time be designated in rules and regulations promulgated by the department.

Expenditures which cannot be clearly identified as capital improvements must be submitted to the department for consideration and approval.

(g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures which are included in insurance, professional services, supplies, construction equipment, upkeep and landscaping, and such other items of expenditure which may be designated as "operation and maintenance" in rules and regulations promulgated by the department.

CHAPTER 812

An act to add Section 301.6 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 301.6 is added to the Streets and Highways Code, to read:

301.6. Notwithstanding Section 253.2, the California freeway and expressway system shall not include that portion of Route 1 from the west city limits of Santa Cruz to the San Mateo-Santa Cruz county line.

CHAPTER 813

An act to amend Sections 13164 and 13303 of, to add Section 13171 to, and to repeal Section 14027 and Article 2 (commencing with Section 13120) of Chapter 3 of Division 7 of, the Water Code, to add Section 54740 to the Government Code, and to repeal Sections 4766.5 and 6523.01 of the Health and Safety Code, relating to water quality.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 13120) of Chapter 3 of Division 7 of the Water Code is repealed.

SEC. 2. Section 13164 of the Water Code is amended to read:

13164. The state board shall formulate, adopt and revise general procedures for the formulation, adoption and implementation by regional boards of water quality control plans. During the process of formulating or revising such procedures, the state board shall consult with and evaluate the recommendations of any affected regional boards.

SEC. 3. Section 13171 is added to the Water Code, to read:

13171. The state board may establish a Water Quality Coordinating Committee, consisting of at least one member of each of the nine regional boards, to assist the state board in carrying out its responsibilities in water quality control.

SEC. 4. Section 13303 of the Water Code is amended to read:

13303. Cease and desist orders of the board shall become effective and final upon issuance thereof. Copies shall be served forthwith by personal service or by registered mail upon the person being charged with the violation of the requirements and upon other affected persons who appeared at the hearing and requested a copy.

SEC. 5. Section 14027 of the Water Code is repealed.

SEC. 6. Section 54740 is added to the Government Code, to read:

54740. (a) Any person who intentionally or negligently violates any requirement adopted or ordered by a local agency pursuant to paragraph (a) or (b) of subdivision (1) of Section 54739 may be civilly liable in a sum of not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

(b) The local agency may petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

SEC. 7. Section 4766.5 of the Health and Safety Code, as added by Chapter 924 of the Statutes of 1971, is repealed.

SEC. 8. Section 6523.01 of the Health and Safety Code, as added

by Chapter 924 of the Statutes of 1971, is repealed.

SEC. 9. The provisions of Sections 13416 and 13417 of the Water Code shall not apply to any loan to the Isla Vista Sanitary District, the Squaw Valley County Water District, or the Alpine Springs County Water District pursuant to the provisions of Chapter 6 (commencing with Section 13400) of Division 7 of the Water Code.

CHAPTER 814

An act to add Section 13593.5 to the Education Code, relating to classified school employees.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13593.5 is added to the Education Code, to read:

13593.5. The governing board of any school district may require the wearing of a distinctive uniform by classified personnel. The cost of the purchase, lease or rental of uniforms, equipment, identification badges, emblems, and cards required by the district shall be borne by the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. It is the intent of the Legislature that the governing board of a school district consider the problems to which classified employees are exposed, either on school property or at school-related functions while conducting their general duties. Adequate identification and recognition, in the manner of garb, could serve the public's interest and add an aura of authority to school employees protecting the property and interests of the school district.

CHAPTER 815

An act to amend Sections 2 and 6 of, and to add Section 3.5 to, Chapter 1425 of the Statutes of 1967, relating to the American Revolution Bicentennial Commission of California, and making an appropriation therefor.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1425 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature in enacting this act, and in reliance on the representations of organizations and citizens who are its sponsors, declares an intent that the commission which is created hereby shall operate substantially without the appropriation of state funds for its purposes, but that expenditures of the commission shall be financed from donations, gifts and grants from private or other public sources; and, further, since the commission will perform its function as an agency of state government and in the name of the people of the state that its operations shall be subject to such fiscal and other controls as limit and control other state agencies, except as provided in this act.

SEC. 2. Section 3.5 is added to Chapter 1425 of the Statutes of 1967, to read:

Sec. 3.5. Members of the commission shall serve without compensation, but each member shall be reimbursed for his necessary traveling expenses incurred in the performance of his official duties and shall receive per diem of twenty-five dollars (\$25) for each commission meeting.

SEC. 3. Section 6 of Chapter 1425 of the Statutes of 1967 is amended to read:

Sec. 6. The chairman of the commission shall be named by the Governor as hereinafter provided. All other officers shall be selected by the commission from its membership with the exception of a records-correspondence secretary and a treasurer who may be selected outside of commission personnel. All meetings of the commission shall be open and public, and commission members shall serve without compensation or reward.

SEC. 4. The sum of five thousand dollars (\$5,000) is hereby appropriated from the General Fund, without regard to fiscal year, to the American Revolution Bicentennial Commission of California for expenses of members of the commission.

CHAPTER 816

An act to amend Sections 77, 77.2, and 77.3 of the Harbors and Navigation Code, relating to yacht and ship brokers.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 77 of the Harbors and Navigation Code is amended to read:

77. This article does not apply:

(a) To a transaction involving the sale by a person other than a licensee of his own yacht or ship.

(b) To services rendered by an attorney at law in performing his duties as such attorney at law.

(c) To any receiver, trustee in bankruptcy, or other person acting under the order of any court.

(d) To a transaction involving the sale of a new yacht or ship by a person who only sells new yachts or ships.

(e) To any transaction involving the foreclosure of a security interest in a yacht or ship.

(f) To any transaction involving the sale of a yacht or ship in excess of 300 gross tons by a person who only sells yachts or ships in excess of 300 gross tons.

SEC. 2. Section 77.2 of the Harbors and Navigation Code is amended to read:

77.2. (a) All applications for licenses shall be made in writing. Each individual applicant shall be at least 18 years of age.

(b) The department may deny a license upon applicant's failure to:

(1) Pass the written examination.

(2) Certify that he has never been convicted of a felony.

(3) Post the required bond as provided in subdivision (a) of Section 77.3. The department may also deny a license in the event an applicant has been convicted of a felony.

SEC. 3. Section 77.3 of the Harbors and Navigation Code is amended to read:

77.3. (a) Every applicant for a broker's license or renewal thereof shall deposit with the department a good and sufficient surety bond issued by a company authorized to do business in this state in the amount of five thousand dollars (\$5,000) and in such form and on such conditions as the department may require for the protection of persons with whom such applicant may deal as a licensee, or in lieu thereof, bonds of the United States government of a cash value of five thousand dollars (\$5,000), or deposit with the department a cash bond in the sum of five thousand dollars (\$5,000), with an assignment to the director, together with evidence of the deposit of such sum in banks authorized to do business in this state

and insured by the Federal Deposit Insurance Corporation or of investment certificates or share accounts in the sum of five thousand dollars (\$5,000), with an assignment to the director, together with evidence of the deposit of such sum in a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(b) Any person claiming to be injured by the fraud, deceit, or willful negligence of any broker, or by the failure of any broker to comply with the provisions of this article, may bring an action upon the bond deposited with the department against both the principal and the surety in any court of competent jurisdiction to recover the damage caused by such fraud, deceit, willful negligence, or failure to comply with the provisions of this article. In the event that a broker fails to pay any sum owed to any creditors arising out of any transaction in which such broker acted in his capacity as a broker, the department shall call and hold a hearing, as near as may be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, to determine the names and addresses of all such creditors, together with the amounts due and owing to them and each of them. The publication of one notice of the hearing in a magazine or newspaper of general circulation devoted to the yacht and ship business shall constitute sufficient notice of the hearing. Each creditor claiming that a sum is owed to him shall file with the department at the hearing a verified statement of his claim. Upon ascertaining all claims and statements in the manner herein set forth, the department may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise such claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the department shall thereupon bring an action on the bond in behalf of such creditors. Upon any action being commenced on such bond the department may require the filing of a new bond and immediately upon the recovery in any action on such bond such broker shall file a new bond and upon failure to file the same within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

(c) Upon the filing of notice with the department by any surety of its withdrawal as surety for any licensee pursuant to Section 2851 of the Civil Code, the department shall forthwith give notice to the licensee of the withdrawal which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee at his principal office as shown by the records of the department. The license of any licensee shall be suspended and shall be returned to the department upon the termination of the bond of the surety as provided in Section 2851 of the Civil Code, unless, prior to the termination, a new bond has been filed with the department.

CHAPTER 817

An act to amend Section 16002.5 of the Business and Professions Code, relating to vending machines.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16002.5 of the Business and Professions Code is amended to read:

16002.5. No city shall impose a license fee or tax, other than a fee or tax based on gross receipts, for the privilege of renting, leasing, or operating coin-operated vending machines, upon any individual or firm whose business is limited exclusively to renting, leasing, or operating such machines, which license fee or tax has the effect of taxing any gross receipts other than gross receipts which are directly attributable to the business activities conducted within the city. For the purposes of this section, the license fee or tax shall be based on the entire gross receipts which are directly attributable to the business activities conducted within the city, and no minimum license fee or tax shall be imposed upon any business location, nor shall such license fee or tax be measured by the number of business locations or machines of the taxpayer within the city.

Any license to conduct a business issued by a city in connection with which the city imposes a license fee or tax upon coin-operated vending machines within the city, may be revoked for failure of the licensee to report to the city the gross receipts from such machines. The city may demand an audit of any such licensee and require him to submit a copy of the state sales and use tax returns filed relative to such machines, and a copy of any other tax statement filed with any government entity by him or by any other individual or firm owning, renting, leasing, or operating such machines disclosing the gross receipts received from owning, renting, leasing, or operating such machines.

The provisions of this section shall not apply to a chartered city or to a chartered city and county.

CHAPTER 818

An act to amend Sections 11803, 11831, 11832, 11833, and 11834 of the Elections Code, relating to ballot measures.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11803 of the Elections Code is amended to read:

11803. "Treasurer" means the treasurer, manager, secretary, agent, board of trustees, board of directors or other person who is charged with, or assumes, as the sole member of the association, the work, duty, or responsibility of collecting, managing or expending the funds of an association.

SEC. 2. Section 11831 of the Elections Code is amended to read:

11831. Every statement of receipts and expenses required to be filed under this article shall be itemized, detailed, and verified. Statements relating to measures voted on at statewide elections shall be filed, in triplicate, in the office of the Secretary of State; statements relating to measures voted on at county elections shall be filed in the office of the county clerk of the county where the election is held; and statements relating to measures voted on at municipal elections shall be filed in the office of the city clerk of the city where the election is held.

As used in this section, "county clerk" does not mean registrar of voters.

Blank forms for the preparation of statements relating to measures to be voted on at statewide, county, and municipal elections shall be furnished by the Secretary of State, the county clerk, and the city clerk, respectively.

SEC. 3. Section 11832 of the Elections Code is amended to read:

11832. Every statement of receipts and expenses required to be filed under this article shall show:

(a) The name and address of the association and its treasurer.

(b) The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to the association filing the statement or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five dollars (\$25) or more and the amount or sum contributed, promised, loaned or advanced by each.

(c) The total sum contributed, promised, loaned or advanced directly or indirectly in amounts of less than twenty-five dollars (\$25) to the filing association or for its use.

(d) The total sum contributed, promised, loaned or advanced by the filing association from its own funds or money, or contributed, promised, loaned or advanced directly or indirectly from all sources, regardless of the amount of single or individual contributions or for

the use of the filing association.

(e) The name and address of each person, firm or corporation to whom or to which the association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars (\$10) or more and the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

(f) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars (\$10) each.

(g) The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any and all persons for any and all expenses whatsoever.

SEC. 4. Section 11833 of the Elections Code is amended to read:

11833. Not more than 12 nor less than seven days prior to an election, every association or the treasurer of every association shall file a statement of receipts and expenses:

(a) Showing, as of the date of filing, all information not included in the previous statement.

(b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

SEC. 5. Section 11834 of the Elections Code is amended to read:

11834. Within 30 days next succeeding the date of the election, each association or the treasurer of each association shall file a statement of receipts and expenses:

(a) Showing, as of the date of filing, all information not included in either previous statement.

(b) Containing and including a recapitulation showing the totals of the various receipts and expenses.

CHAPTER 819

An act to amend Sections 54.1 and 54.2 of the Civil Code, relating to guide dogs for the blind.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 54.1 of the Civil Code is amended to read:

54.1. (a) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement

or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(b) Blind persons, visually handicapped persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

“Housing accommodations” means any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within subdivision (a) or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Nothing in this subdivision shall require any person renting, leasing or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind person, visually handicapped person, or other physically disabled person than for a person who is not physically disabled.

Nothing in this part shall require any person renting, leasing, or providing for compensation real property, if such person refuses to accept tenants who have dogs, to accept as a tenant a blind person, visually handicapped person, or other physically disabled person who has a dog, including a guide dog.

(c) Persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code, may take dogs, for the purpose of training them as guide dogs, in any of the places specified in paragraphs (a) and (b), above. Such persons shall carry and display, upon request, identification in such form as shall be prescribed by the State Board of Guide Dogs for the Blind.

SEC. 2. Section 54.2 of the Civil Code is amended to read:

54.2. (a) Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places specified in Section 54.1 without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.

(b) Persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code, may take dogs, for the purpose of training them as guide dogs, in any of the places specified in Section 54.1 without being required to pay an extra charge for the guide dog. Such a person shall, however, be liable for any damage done to the premises or facilities by such dog.

Such persons shall carry and display, upon request, identification in such form as shall be prescribed by the State Board of Guide Dogs for the Blind.

CHAPTER 820

An act to add Section 1178.5 to the Labor Code, relating to labor.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1178.5 is added to the Labor Code, to read:
1178.5. Nothing in this part shall be construed to authorize the commission to adopt orders requiring employers to maintain records or information concerning hours of work, meal periods, rest periods, or other similar matters for women employees, unless the employers also maintain such records or information concerning such matters for male employees.

CHAPTER 821

An act to amend Sections 73710, 74803, 74804, 74805, and 74807 of, and to add Section 74807.5 to, the Government Code, relating to courts.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73710 of the Government Code is amended to read:

73710. The marshal of the eastern division may appoint:

- (a) Two deputy marshals.
- (b) One clerk-typist II.

SEC. 2. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

- (b) Seven deputy clerks IV.
- (c) Four deputy clerks III.
- (d) One deputy clerk III (stenographer).
- (e) Four deputy clerks II.
- (f) Thirteen deputy clerks I.

SEC. 3. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive the biweekly

salary specified in range 46, step A, as set forth in the biweekly salary schedule contained in Section 74806.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the such class of lieutenant.

SEC. 4. Section 74805 of the Government Code is amended to read:

74805. The marshal may appoint:

- (a) One assistant marshal.
- (b) Five deputy marshals.
- (c) One clerk IV.
- (d) Two clerk-typists II.
- (e) Twenty deputies who shall be custodians at the fee allowed by law for the keeping of property.

SEC. 5. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the biweekly salary schedule contained in Section 74806, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the Salary Ordinance of the County of San Joaquin, as amended by Ordinance No. 1686, passed and adopted May 28, 1970:

(a) Deputy clerk I	Range 23.25
(b) Deputy clerk II	Range 25.25
(c) Deputy clerk III	Range 27.25
(d) Deputy clerk III (stenographer)	Range 27.75
(e) Deputy clerk IV	Range 30.5
(f) Chief deputy clerk.....	Range 35.5
(g) Clerk.....	Range 42.5
(h) Clerk-typist II.....	Range 23.25
(i) Clerk IV	Range 27.75
(j) Deputy marshal	Range 32
(k) Assistant marshal	Range 34

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 6. Section 74807.5 is added to the Government Code, to read:

74807.5. Notwithstanding any other provision of this article, the biweekly salary of the assistant marshal shall be at the rate specified in range 36 of the salary schedule set forth in Section 74806.

Whenever the salary of the class of deputy sheriff I in the service

of San Joaquin County is adjusted, the salary of the assistant marshal shall be adjusted by an amount equivalent to that of such class of deputy sheriff.

If an adjustment in the salary of the class of deputy sheriff I is made for the fiscal year 1972-1973 prior to the effective date of this section, then the equivalent adjustment authorized by this section shall be made to the salary of the assistant marshal on the day this section becomes effective.

SEC. 7. Section 3 of this act shall become operative on April 2, 1973.

CHAPTER 822

An act to add Section 690.8 to the Code of Civil Procedure, relating to execution and attachments.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 690.8 is added to the Code of Civil Procedure, to read:

690.8. For a period of six months from the date of receipt, the compensation received from a public entity which acquires for a public use a dwelling actually owned and occupied by the debtor; and the proceeds received from a public entity pursuant to Chapter 16 (commencing with Section 7260), Division 7, Title 1 of the Government Code or Article 4.5 (commencing with Section 170), Chapter 1, Division 1 of the Streets and Highways Code for displacement from a dwelling. Such compensation and proceeds shall be exempt in the amount, over and above all liens and encumbrances, provided by Section 1260 of the Civil Code.

CHAPTER 823

An act to amend Section 338 of the Code of Civil Procedure, relating to advertising.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 338 of the Code of Civil Procedure is amended to read:

338. Within three years:

1. An action upon a liability created by statute, other than a penalty or forfeiture.

2. An action for trespass upon or injury to real property.

3. An action for taking, detaining, or injuring any goods, or chattels, including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake. The cause of action in such case not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

5. An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not to be deemed to have accrued until the discovery, by the aggrieved party or his agent, of the facts constituting said cause of action upon the bond.

6. An action against a notary public on his bond or in his official capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his agent, of the facts constituting said cause of action; provided, that any action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his agent, of the facts constituting said cause of action or within three years from the performance of the notarial act giving rise to said action, whichever is later; and provided further, that any action against a notary public on his bond or in his official capacity must be commenced within six years.

7. An action for slander of title to real property.

8. An action commenced under Section 17536 of the Business and Professions Code. The cause of action in such case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, or the district attorney of the facts constituting grounds for commencing such an action.

SEC. 2. Section 338 of the Code of Civil Procedure is amended to read:

338. Within three years:

1. An action upon a liability created by statute, other than a penalty or forfeiture.

2. An action for trespass upon or injury to real property.

3. An action for taking, detaining, or injuring any goods, or chattels, including actions for the specific recovery of personal property.

4. An action for relief on the ground of fraud or mistake. The cause of action in such case not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

5. An action upon a bond of a public official except any cause of action based on fraud or embezzlement is not to be deemed to have accrued until the discovery, by the aggrieved party or his agent, of the facts constituting said cause of action upon the bond.

6. An action against a notary public on his bond or in his official

capacity except that any cause of action based on malfeasance or misfeasance is not deemed to have accrued until discovery, by the aggrieved party or his agent, of the facts constituting said cause of action; provided, that any action based on malfeasance or misfeasance shall be commenced within one year from discovery, by the aggrieved party or his agent, of the facts constituting said cause of action or within three years from the performance of the notarial act giving rise to said action, whichever is later; and provided further, that any action against a notary public on his bond or in his official capacity must be commenced within six years.

7. An action for slander of title to real property.

8. An action commenced under Section 17536 of the Business and Professions Code. The cause of action in such case shall not be deemed to have accrued until the discovery by the aggrieved party, the Attorney General, the district attorney, the county counsel, the city prosecutor, or the city attorney of the facts constituting grounds for commencing such an action.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 912 are both chaptered and Senate Bill No. 912 amends Sections 17535 and 17536 of the Business and Professions Code, that the amendments to Section 338 of the Code of Civil Procedure proposed by this bill be given effect in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 912 are both chaptered, and Senate Bill No. 912 amends Sections 17535 and 17536 of the Business and Professions Code, in which case Section 1 of this act shall not become operative.

CHAPTER 824

An act to add Section 301.4 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 301.4 is added to the Streets and Highways Code, to read:

301.4. Notwithstanding Section 253.2, the California freeway and expressway system shall not include that portion of Route 1 within the City of Newport Beach.

CHAPTER 825

An act to add Sections 11526.2, 11549.7, 11549.8, 11551.7, 11552.1 and 11552.2 to, the Business and Professions Code, relating to subdivisions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11526.2 is added to the Business and Professions Code, to read:

11526.2. (a) In cities having a population of more than 2,800,000, the design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(c) The advisory agency, appeal board or governing body shall not approve a tentative or final subdivision map unless it first finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans.

SEC. 2. Section 11549.7 is added to the Business and Professions Code, to read:

11549.7. In cities having a population of more than 2,800,000, the advisory agency, appeal board or governing body shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public

at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a governing body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

SEC. 3. Section 11549.8 is added to the Business and Professions Code, to read:

11549.8. In cities having a population of more than 2,800,000, a governing body shall not deny approval of a final subdivision map pursuant to Section 11549.7 if it, the advisory agency or the appeal board has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map and with the conditions to the approval thereof.

SEC. 4. Section 11551.7 is added to the Business and Professions Code, to read:

11551.7. In cities having a population of more than 2,800,000, the advisory agency, appeal board or governing body shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency, appeal board or governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, the body making such finding may disapprove the tentative map or maps of the subdivision.

SEC. 5. Section 11552.1 is added to the Business and Professions Code, to read:

11552.1. In cities having a population of more than 2,800,000, if the governing body, pursuant to subdivision (a) of Section 11552 of this chapter, authorizes the advisory body to report its action direct to the subdivider, the advisory agency shall, prior to making its report to the subdivider upon a subdivision as defined in this chapter, give notice of hearing in such manner as may be prescribed by local ordinance to the subdivider and to all property owners within 300 feet of the proposed subdivision and pursuant thereto shall conduct a public hearing at which time all persons interested in or affected by such proposed subdivision shall be heard.

SEC. 6. Section 11552.2 is added to the Business and Professions Code, to read:

11552.2. Notwithstanding the provisions of Section 11552 of this chapter, in cities having a population of more than 2,800,000, any person affected by a proposed subdivision, rather than only the

subdivider, may appeal the decision of the advisory agency or the appeal board with respect to the tentative map of such proposed subdivision. Such appellant shall be entitled to the same notice and rights of testimony as are accorded the subdivider under Section 11552. The failure to give or receive any notice required by that section shall not be a ground for invalidating the approval or disapproval of a tentative map by an advisory agency, appeal board or governing body.

SEC. 6.5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent changes in the law have vastly increased the workload of planning commissions and city councils in cities over 2,800,000 in population. In order that the work of these bodies proceed expeditiously for the public good it is necessary that this act take immediate effect.

CHAPTER 826

An act to add Section 2145.1 to the Business and Professions Code, relating to acupuncture, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2145.1 is added to the Business and Professions Code, to read:

2145.1. The performance of acupuncture by an unlicensed person, alone or in conjunction with other forms of traditional Chinese medicine, when carried on in an approved medical school for the primary purpose of scientific investigation of acupuncture, shall not be in violation of this chapter, but such procedures shall be carried on only under the supervision of a licensed physician and surgeon.

Any medical school conducting research into acupuncture under the provisions of this section shall report to the Legislature annually on the fifth legislative day of the regular session of the Legislature concerning the results of such research, the suitability of acupuncture as a therapeutic technique, and performance standards for persons who perform acupuncture.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent rising interest in acupuncture and other forms of traditional Chinese medicine has stimulated a desire on the part of practitioners of modern western medicine to explore these forms of medicine in order to determine whether such forms of medicine may be of benefit to the people of this state. In view of the promising possibilities of acupuncture and other forms of traditional Chinese medicine, it is necessary that this act take effect immediately so that the investigation and selection process with respect to these forms of medicine may proceed as soon as possible.

CHAPTER 827

An act to repeal Section 3057 of the Business and Professions Code, relating to optometry.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3057 of the Business and Professions Code is repealed.

SEC. 2. Notwithstanding any other provision of law, the State Board of Optometry shall permit a person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

- (a) Is over the age of 18 years.
- (b) Is of good moral character.
- (c) Is a citizen of the United States.
- (d) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application.
- (e) Has been licensed to practice optometry in the state in which the school from which he graduated is located.
- (f) Pays the fee specified in subdivision (b) of Section 3152 of the Business and Professions Code.
- (g) Has been a resident of California for five years at the time of the application.

The provisions of this section shall be operative until December 31, 1973, and thereafter shall have no force or effect.

CHAPTER 828

*An act to add Section 18300.1 to the Health and Safety Code,
relating to mobilehomes.*

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18300.1 is added to the Health and Safety Code, to read:

18300.1. Any person may file an application with the governing body of any city, city and county, or county for a conditional use permit for a mobilehome or mobilehome park. The governing body, or the planning commission if designated by the governing body, shall hold a public hearing on any such application. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least two weeks before the hearing and shall be published at least once in a newspaper of general circulation, published and circulated in the city, city and county, or county, as the case may be. When any hearing is held on an application for a conditional use permit for a mobilehome or mobilehome park, a staff report with recommendations and the basis for such recommendations shall be included in the record of the hearing. The decision of the governing body shall be final and the reasons for the decision shall be included in the record.

CHAPTER 829

*An act to amend Section 11475 of, and to repeal Sections 11478 and
11479 of, the Education Code, relating to average daily attendance.*

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11475 of the Education Code is amended to read:

11475. The units of average daily attendance for apportionment purposes of regularly enrolled students of a community college district in 13th- and 14th-grade courses during the academic year, as defined in Section 25511.5, exclusive of adults as defined in Section 5756, shall be computed by multiplying the weekly student contact hours of enrollment as recorded for the census day of the fourth week of five or six consecutive schooldays each semester or quarter by statewide factors heretofore established by the Board of Governors

of the California Community Colleges, subject to review by the Department of Finance. The census day shall be Monday of the fourth week of regularly scheduled classes in the semester or quarter.

Such factors shall be reviewed from time to time by the Board of Governors of the California Community Colleges, subject to review by the Department of Finance.

Attendance of such students enrolled in classes conducted in summer sessions, as distinct from summer quarters, of four weeks or more shall be counted in the computation of average daily attendance for apportionment purposes under the provisions of this section using the following formula: Multiply the sum of the weekly student contact hours of enrollment in each class during the census week of each class of the summer session by the number of scheduled weeks for each class, multiply the product so derived by the statewide factors established by the Board of Governors of the California Community Colleges, subject to review by the Department of Finance, and divide by 525. The census day shall be Monday of the second week. For classes of less than four weeks, the units of average daily attendance shall be computed by dividing the total actual class hours of attendance by 525.

SEC. 2. Section 11478 of the Education Code is repealed.

SEC. 3. Section 11479 of the Education Code is repealed.

CHAPTER 830

An act to add Section 19060 to the Government Code, relating to the state civil service.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 19060 is added to the Government Code, to read:

19060. When the Legislature, in the Budget Act, authorizes a specified number of positions in a specified class in a specified agency, the board shall approve the appointment of qualified persons to those positions, on the basis of the total responsibilities and productivity requirements of the job, without placing primary emphasis on the number of positions subordinate to the positions authorized.

CHAPTER 831

An act to amend Section 10608 of the Education Code, relating to pupils.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10608 of the Education Code is amended to read:

10608. If a pupil is expelled from school, the parent or guardian of the pupil may appeal to the county board of education which shall hold a hearing thereon and render its decision. The county board of education shall notify the governing board of the time and place of such hearing and either the governing board or its appointed designee may appear and present testimony at such hearing. The decision of the county board of education shall be final and binding upon the parent or guardian and the governing board expelling the pupil.

CHAPTER 832

An act to amend Sections 7.1, 7.3, 7.4, and 13 of, and to add Section 13.5 to, the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to the Kern County Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7.1 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read as follows:

Sec. 7.1. The governing body of the agency shall be a board of seven directors, with one director being a voter of and nominated and elected from each of seven divisions established by ordinance of the agency. Following each decennial federal census, and using the census as a basis, the board shall adjust the boundaries of any or all of the divisions of the agency so that the divisions shall be as nearly equal in population as may be. In establishing the boundaries of the divisions, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the divisions. The boundaries of the divisions shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken.

At any time between the decennial adjustments of district boundaries, the board may adjust the boundaries of the divisions on the basis of a census taken pursuant to Section 26203 of the Government Code, or on the basis of population estimates prepared by the State Department of Finance or the Kern County Planning Department or Kern County Planning Commission.

The term of office of any director who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the division from which he was elected. At the first election following adjustment of the boundaries of any divisions, a director shall be elected for each division under the readjusted division plan that has the same division number as a division whose incumbent's term is due to expire. A change in the boundaries of a division shall not be made within 90 days prior to the final date of voter registration for an election of directors or between the direct primary election and the general election.

Each director shall be elected at the agency election and serve a term of four years. Each candidate for director at the agency election shall declare his candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuing of certificates of election for county supervisors are made, declared, held and conducted, and issued, so far as consistent with the provisions of this act. Each of the seven candidates for director who receives the highest number of votes within his division at the agency election shall be elected, and shall take office at the same time provided by the Government Code for county officers.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled by appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

SEC. 2. Section 7.3 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 7.3. Unless previously approved by the board of supervisors, no tax or assessment shall be levied hereunder, no zone of benefit shall be created pursuant to Section 14.2 hereof, and no expenditure of funds unless previously approved in the form of a budget by the board of supervisors shall be made. The board of supervisors may, in connection with any of the foregoing, conduct public hearings. Such hearings shall be declared by a resolution specifying the purpose and the day, hour, and place where all interested persons may appear and be heard. This resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. The hearing may be adjourned from time to time at the discretion of the board of supervisors and at its conclusion the board of supervisors shall declare its decision.

SEC. 3. Section 7.4 of the Kern County Water Agency Act

(Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 7.4. Each member of the board of directors shall be entitled to receive from the agency the sum of fifty dollars (\$50) for each meeting attended, not exceeding four meetings per month, plus actual, necessary, and reasonable traveling expenses. Each member of the board of supervisors, when acting pursuant to Section 7.3, shall be entitled to receive from the agency the sum of twenty-five dollars (\$25) for each meeting attended, plus actual, necessary, and reasonable traveling expenses.

SEC. 4. Section 13 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read as follows:

Sec. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts and liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, or the execution of contracts with the United States or the state, or the issuance of negotiable promissory notes.

SEC. 5. Section 13.5 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 13.5. The agency may issue negotiable promissory notes to pay the cost of any work or improvement for the benefit of any member unit, as determined in any agreement between the agency and the member unit, or for the benefit of any improvement district or to refund any such notes. Such notes shall bear interest at a rate not exceeding 7 percent per annum, their maturity shall not be later than five years from the date thereof, and the total aggregate amount of such notes issued for each member unit or improvement district outstanding at any one time shall not exceed the lesser of either three million dollars (\$3,000,000) or 2 percent of the assessed valuation of the taxable property in the member unit or improvement district. All such notes shall be issued pursuant to a resolution of the board of directors of the agency which resolution shall, subject to the provisions hereof, prescribe the terms and conditions of such notes. Such notes and the interest thereon shall be payable from taxes or assessments levied on all taxable property within each improvement district or member unit for which such notes were issued or from revenues received from the member unit pursuant to any contract providing for the issuance of the notes. The board of directors is hereby authorized and directed to levy and collect taxes upon all property within the improvement district or member unit on whose behalf such notes are issued without limitation of rate or amount for the payment of the principal of and interest on such notes. Such taxes shall be in addition to any other taxes levied for all other agency purposes and shall be levied in the same manner and at the same time as all other agency taxes are levied and shall be used for no purpose other than payment of such principal and interest. No member unit or improvement district nor the property therein nor

other lands within the agency shall be liable for the notes issued for the benefit of any other member unit or improvement district, nor shall any moneys derived from taxation or assessments in any of the several member units or improvement districts be used to pay the principal or interest of notes issued for any other member unit or improvement district.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Kern County Water Agency proposes to construct a joint-use canal to transport water to various member units and to Kern County Water Agency Improvement District No. 4 in order to supply these areas with much needed water and alleviate a serious overdrafting of the underground basin. In order for the agency to be able to proceed with this project as rapidly as possible and prevent further unnecessary depletions of the underground water resources of the agency and protect the health and safety of its residents, the agency needs to be able to issue negotiable promissory notes to obtain financing for this project during the interim between the time bonds are authorized and the time they can be sold in an orderly and economical manner. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 833

An act to amend Sections 621, 982, 1256.1, 1263, 1277, 1277.5, 1528.5, and 2629 of, and to add Sections 803.1, 803.2, and 1260.1 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 621 of the Unemployment Insurance Code is amended to read:

621. "Employee" means all of the following:

(a) Any officer of a corporation.
(b) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

(c) (1) Any individual, other than an individual who is an employee under subdivision (a) or (b), who performs services for remuneration for any employing unit if the contract of service contemplates that substantially all of such services are to be performed personally by such individual either:

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for his principal.

(B) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(2) An individual shall not be included in the term "employee" under the provisions of this subdivision if such individual has a substantial investment in facilities used in connection with the performance of such services, other than in facilities for transportation, or if the services are in the nature of a single transaction not part of a continuing relationship with the employing unit for whom the services are performed.

(d) Any individual who is an employee pursuant to Section 601.5 or 680.

SEC. 2. Section 803.1 is added to the Unemployment Insurance Code, to read:

803.1. Notwithstanding any other provision of this article, if an entity acquires or succeeds to another entity in any manner, the method of reimbursement financing, in lieu of contributions required of employers, elected by the acquiring entity shall apply to all service performed in the employ of the acquiring entity. The acquiring entity shall be liable for the reimbursement of all benefits chargeable to the entity acquired under any method of reimbursement financing elected by the entity acquired, except that this provision shall not apply to the acquisition of, or succession to, less than a total entity if the remainder of the entity partially acquired or succeeded to remains in existence. "Entity" as used in this section means any entity as defined by subdivision (a) of Section 803.

SEC. 3. Section 803.2 is added to the Unemployment Insurance Code, to read:

803.2. Notwithstanding any other provision of this article, an entity which elected any method of reimbursement financing under Section 803 and which has acquired a previously accumulated favorable reserve account under Section 712 or subdivision (e) of Section 803 shall be liable for the reimbursement of benefits pursuant to such election for any benefits chargeable to the reserve account and based upon wages paid prior to such election, to the extent that such benefits exceed the previously accumulated favorable reserve account. "Entity" as used in this section means any entity as defined by subdivision (a) of Section 803.

SEC. 4. Section 982 of the Unemployment Insurance Code is amended to read:

982. (a) Except as provided in subdivision (b) of this section, no employer shall be eligible for a contribution rate of more or less than 2.7 percent for any rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 977 or 978.

(b) No new employer shall be eligible for a contribution rate of more or less than 2.7 percent unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar months ending on the computation date and he is qualified under Section 977 or 978.

(c) For the purposes of this section "new employer" means any of the following:

(1) An employer who first qualifies as an employer after the calendar year 1969, and whose account is continuously subject to benefit charges from the date of first chargeability, except that a successor employer under Section 1051 is not a new employer if such successor applies for or obtains the transfer of the reserve account or part thereof of a predecessor who is not a new employer.

(2) An employer whose entire reserve account has been transferred to a successor under Article 5 (commencing with Section 1051) of Chapter 4 of this part.

(3) An employer whose reserve account has been canceled pursuant to Section 1029.

(d) Section 905 applies to a new employer, except that for the purposes of this section "average base payroll" means:

(1) The payroll in the calendar year immediately preceding the computation date for a new employer with a payroll only in that calendar year.

(2) The quotient obtained by dividing by 2 the total amount of taxable wages paid by a new employer during the most recent period of two consecutive calendar years immediately preceding the computation date, for a new employer with a payroll only in each of, or only in the first of, such two consecutive calendar years.

SEC. 5. Section 1256.1 of the Unemployment Insurance Code is amended to read:

1256.1. (a) If the employment of an individual is terminated due to his absence from work for a period in excess of 24 hours because of his incarceration and he is convicted of the offense for which he was incarcerated or of any lesser included offense, he shall be deemed to have left his work voluntarily without good cause for the purposes of Section 1256. A plea or verdict of guilty, or a conviction following a plea of *nolo contendere*, is deemed to be a conviction within the meaning of this section irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed but execution thereof is suspended.

(b) Notwithstanding any other provision of this division, any determination made prior to a conviction or other final disposition

of the criminal complaint or accusation by the court as to whether an individual who is terminated due to his absence from work because of incarceration voluntarily leaves without good cause may, if no appeal has been taken from the determination, for good cause be reconsidered by the department during the benefit year or extended duration period to which the determination relates. Notice of any reconsidered determination shall be given to the claimant and any employer or employing unit which received notice under Section 1328 or 1331, and the claimant or employer may appeal therefrom in the manner prescribed in Section 1328.

SEC. 6. Section 1260.1 is added to the Unemployment Insurance Code, to read:

1260.1. Notwithstanding any other provision of this division, benefits shall not be denied to any individual by reason of cancellation of wage credits or total reduction of his benefit rights for any cause other than discharge for misconduct connected with his work, fraud in connection with a claim for benefits, or receipt of disqualifying income. This section shall not be construed to authorize cancellation of wage credits or total reduction of benefit rights for any cause whatsoever, nor shall it limit or affect any other section that provides for cancellation of wage credits or total reduction of benefit rights for any cause permitted under this section.

SEC. 7. Section 1263 of the Unemployment Insurance Code is amended to read:

1263. (a) Any individual convicted under Section 2101 by any court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this division shall forfeit any rights to benefits for the week in which the criminal complaint was filed and for the fifty-one (51) consecutive calendar weeks which immediately follow such week, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such individual to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the criminal complaint, but a forfeiture of benefits under this subdivision shall extend no later than the effective date of any such order under Section 1203.4 of the Penal Code, and, if the period of forfeiture has not previously expired, the forfeiture of benefits under this subdivision shall terminate as of the effective date of any such order.

(b) Any individual convicted under Section 2101 by any court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this part, Part 3 (commencing with Section 3501), or Part 4 (commencing with Section 4001) shall, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such individual to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the criminal complaint, be ineligible to receive unemployment compensation or extended duration

benefits or federal-state extended benefits for the week in which the criminal complaint was filed, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation or extended duration benefits or federal-state extended benefits and for nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation or extended duration benefits or federal-state extended benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the filing of the criminal complaint.

(c) The department shall, effective upon the date of the filing of a criminal complaint against an individual prosecuted under Section 2101, suspend the payment of benefits to the individual.

(d) A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed but execution thereof is suspended.

(e) Notwithstanding the provisions of this section, an individual may during a period of forfeiture under subdivision (a) of this section meet the conditions to remove any disqualification that is imposed under Sections 1260 or 1261, or subdivision (b) of this section, but no week during the period of forfeiture shall be used to offset the amount of any overpayment.

SEC. 8. Section 1277 of the Unemployment Code is amended to read:

1277. Notwithstanding the provisions of Section 1281, if the base period of a new claim includes wages which were paid prior to the effective date of and not used in the computation of the award for a previous valid claim, the new claim shall not be valid unless, during the 52-week period immediately following the effective date of the previous valid claim, the individual was paid sufficient wages to meet the eligibility requirement of subdivision (a) of Section 1281 and had some work. For the purpose of this section only the term "wages" includes any and all compensation for personal services performed as an employee for the purpose of meeting the eligibility requirement under subdivision (a) of Section 1281. This section is not applicable to the computation of an award for disability benefits but the establishment of a valid claim for disability benefits shall not constitute a valid claim for unemployment compensation benefits unless the claimant was paid sufficient wages and performed some work to entitle the claimant to an award under this section.

SEC. 9. Section 1277.5 of the Unemployment Insurance Code is amended to read:

1277.5. In determining, under Section 1277, whether a new claim is valid, if the individual had some work during the 52-week period immediately following the effective date of the previous valid claim, then twice the amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or

under Division 4 (commencing with Section 3201) of the Labor Code, or under any workmen's compensation law, employer's liability law, or disability insurance law of any other state or of the federal government, or under the maritime doctrine of maintenance and cure, during the 52-week period immediately following the effective date of the previous valid claim, shall be considered as wages paid to the individual during that 52-week period for purposes of meeting the eligibility requirements of subdivision (a) of Section 1281. The amounts so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280.

SEC. 10. Section 1528.5 of the Unemployment Insurance Code is amended to read:

1528.5. (a) Money credited to the account of this state in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this part. Such money may be requisitioned pursuant to Section 1529 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this part but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(2) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law.

(3) Limits the amount which may be obligated during a fiscal year to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, during the same fiscal year and the 24 preceding fiscal years, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 25 fiscal years.

(b) Amounts credited to this state's account in the Unemployment Trust Fund under Section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount obligated for administration during a fiscal year specified herein may be charged against any amount credited during such a fiscal year earlier than the 24th preceding such fiscal year.

(c) Money appropriated pursuant to this section for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon

requisition, shall be deposited in the Unemployment Administration Fund, but, until expended, shall remain a part of the Unemployment Fund. The director and the Controller shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended shall be returned promptly to the account of this state in the Unemployment Trust Fund.

SEC. 11. Section 2629 of the Unemployment Insurance Code is amended to read:

2629. (a) Except as provided in this section, an individual is not eligible for disability benefits under this part for any day of unemployment and disability for which he has received, or is entitled to receive "other benefits" in the form of cash payments.

(b) "Other benefits" as used in this section means:

(1) Temporary disability indemnity under a workmen's compensation law of this state or of any other state or of the federal government.

(2) Temporary disability benefits under any employer's liability law of this state or of any other state or of the federal government.

(3) Temporary disability benefits for work-connected injuries or illness under the maritime doctrine of maintenance and cure.

(c) If such "other benefits" are less than the amount an individual would otherwise receive as disability benefits under this part, he shall be entitled to receive, for such day, if otherwise eligible, disability benefits under this part reduced by the amount of such "other benefits." If after receipt of, or determination of entitlement to receive, such other benefits, a claim for disability benefits under this part is filed during the same continuous period of disability, because of a disability for which a claim for such other benefits was made, the maximum amount of disability benefits payable under this part during the disability benefit period thereby established shall be reduced by the amount of such "other benefits" which the claimant has received or has been determined to be entitled to receive.

SEC. 12. Section 2629 of the Unemployment Insurance Code is amended to read:

2629. (a) Except as provided in this section, an individual is not eligible for disability benefits under this part for any day of unemployment and disability for which he has received, or is entitled to receive "other benefits" in the form of cash payments.

(b) "Other benefits" as used in this section means:

(1) Temporary disability indemnity under a workmen's compensation law of this state or of any other state or of the federal government.

(2) Temporary disability benefits under any employer's liability law of this state or of any other state or of the federal government.

(3) Temporary disability benefits for work-connected injuries or

illness under the maritime doctrine of maintenance and cure.

(c) If, after receipt of, or determination of entitlement to receive, such other benefits, a claim for disability benefits under this part is filed during the same continuous period of disability, because of a disability for which a claim for such other benefits was made, the maximum amount of disability benefits payable under this part during the disability benefit period thereby established shall be reduced by the amount of such "other benefits" which the claimant has received or has been determined to be entitled to receive.

SEC. 13. It is the intent of the Legislature that if this bill and Assembly Bill No. 715 both amend Section 2629 of the Unemployment Insurance Code and are both chaptered, and this bill is chaptered last, that the amendments proposed by both bills to Section 2629 shall be given effect and incorporated in the form set forth in Section 12 of this act, and that Section 11 of this act shall not become operative. If Assembly Bill No. 715 is not chaptered, Section 12 of this act shall not become operative, and Section 11 of this act shall be operative.

SEC. 14. The provisions of Section 982 as amended by this act shall apply to rating periods beginning with the calendar year 1974 and the provisions of Section 982 as they existed prior to the effective date of the amendment enacted by this act shall remain applicable to rating periods prior to the calendar year 1974.

SEC. 15. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

CHAPTER 834

An act to amend Section 4100.5 of the Government Code, relating to subletting and subcontracting.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4100.5 of the Government Code is amended to read:

4100.5. With the exclusion of that portion of work covering street lighting and traffic signals, this chapter does not apply to the balance of contracts for the construction, improvement or repair of streets or highways, including bridges.

CHAPTER 835

An act making an appropriation for the operation of the 39th District Agricultural Association, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Agriculture, for the operational support of the 39th District Agricultural Association, the sum of fifty thousand dollars (\$50,000), which shall be allocated by it to the 39th District Agricultural Association in accordance with a schedule to be prescribed by the department to negate revenue deficiencies caused by inclement weather and public reaction to civil disorders.

No funds appropriated pursuant to this act shall be expended until a loan agreement has been entered into by the 39th District Agricultural Association and the Department of Finance providing for the repayment within 10 years from the effective date of this act to the General Fund of such funds together with any interest computed at a rate to be determined by the Department of Finance. Such repayment shall be made from the funds available for the support of the 39th District Agricultural Association, which are hereby appropriated without regard to fiscal year to the extent necessary for such repayment.

SEC. 2. The appropriation made by this act is not a "separate appropriation" under the provisions of Section 4442 of the Agricultural Code and shall not preclude the 39th District Agricultural Association from participating in the apportionment of any money appropriated for district agricultural association fairs.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet a cash flow problem created by a significant decrease in anticipated revenues during the 1972 fair which, if not remedied, endangers the existence of the 39th District Fair, it is essential that this act take effect immediately.

CHAPTER 836

An act to amend Section 3106 of the Education Code, as amended by Chapter 132 of the Statutes of 1972, and declaring the urgency thereof, to take effect immediately, relating to school district unification.

[Approved by Governor August 11, 1972 Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3106 of the Education Code, as amended by Chapter 132 of the Statutes of 1972, is amended to read:

3106. (a) An elementary school which has been included in a unified district because of a reorganization of districts under provisions of this chapter shall be maintained as an elementary school by the unified district unless discontinued as provided in this section. The governing board of the unified district may adopt a resolution or order to discontinue the elementary school at any regular or special meeting of the board and the order or resolution shall be in effect after 30 days unless within this period of time a petition is filed with the governing board requesting the continuance of the school signed by the parents or guardians of at least 10 or one-third, whichever number is the greater, of children of elementary school age, who are eligible to attend such school at the time of the petition. The signature of one parent is sufficient to represent all of the children of such parent. The parents or guardians eligible to sign such petitions shall be residents within the boundaries of the component elementary school district which maintained the school prior to the establishment of the unified school district, and shall be qualified electors within such district at the time the petition is filed, and shall have children of elementary school age who attend or are eligible to attend such school. If a school is discontinued as herein provided, the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

(b) Subdivision (a) of this section does not apply to any unified school district which has an average daily attendance of 15,000 or more or which was unified on or before July 1, 1963, or to a school which is five miles or less from another elementary school.

(c) Subdivision (b) shall not become applicable until July 1, 1973, with respect to any school district which was a party in an action or proceeding which was pending or in progress in a court of record in this state on June 12, 1972, and which placed in issue the powers and duties of the governing board of the school district under this section as this section read as amended by Chapter 1074 of the Statutes of 1963.

SEC. 1.2. The amendments to Section 3106 of the Education Code effected by this act shall be deemed to have been in effect and

operative on and after June 12, 1972, as though Chapter 132 of the Statutes of 1972 had not taken effect, for purposes of any action or proceeding which was pending or in progress in a court of record in this state on that date and which placed in issue the powers and duties of the governing board of a school district under Section 3106 of the Education Code, as that section read as amended by Chapter 1074 of the Statutes of 1963.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The enactment of Chapter 132 of the Statutes of 1972 has, because of circumstances of which the Legislature had not been apprised, given rise to inequitable results in the administration of several unified school districts, by excluding these districts from prescribed procedures relating to the continuation of specified schools following school district reorganizations. In order that these administrative difficulties may be ameliorated at the earliest possible time it is essential that this act take effect immediately.

CHAPTER 837

An act to amend Section 25505.8 of, and to add Chapter 1.6 (commencing with Section 22515) to Division 16.5 of, the Education Code, relating to community colleges.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, with the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of

each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all districts for the current costs of education as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The Board of Governors of the California Community Colleges shall compute the amount per pupil enrolled in all districts of the state.

The amount per pupil enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 2. Chapter 1.6 (commencing with Section 22515) is added to Division 16.5 of the Education Code, to read:

CHAPTER 1.6. INTERSTATE ATTENDANCE AGREEMENTS

22515. The Legislature recognizes that existing community colleges in California may benefit from larger and more heterogeneous enrollment in certain curricula and that additional enrollment may often be added with little or no increase in the total operational cost of a given curriculum. It also recognizes that California residents can be provided more complete and more useful curricula in many cases if the curricula is planned and offered on the

basis of the needs of an entire region.

The Legislature encourages California community college districts and the Board of Governors of the California Community Colleges to include the educational needs of, and facilities available in, territory adjacent to California in their planning and to make use of those needs and facilities to the extent possible in the conduct of community college education in California.

22516. The Board of Governors of the California Community Colleges is authorized to enter into an interstate attendance agreement with any statewide public agency of another state, which is responsible for public schools providing instruction in grades 13 and 14 and which is an agency of a state which is a party to the Western Interstate Compact for Higher Education, for the exchange of residents, on a one-for-one basis, for the purposes of instruction. The agreement shall contain such terms as the board of governors may adopt and which are consistent with the authority and responsibility of California community college districts and the community colleges they maintain. In no event shall such an agreement permit or require the entry of California residents into institutions in another state on terms substantially different from those governing the admission of residents of the other state to California community colleges. Such agreements shall contain the provision that no additional state funds shall be required to carry out the provisions of this chapter.

22517. The governing board of each California community college district is authorized to participate in an interstate attendance agreement entered into by the board of governors. The governing board of a California community college district elects to participate by adopting a resolution to that effect and filing that resolution with the board of governors. The participation may be limited in any manner which is consistent with terms of the interstate attendance agreement in which the district desires to participate.

22518. If the governing board of a California community college district elects to participate in an interstate attendance agreement, it may waive, as a condition to such participation, all or part of the nonresident tuition required by Section 25505.8 in accordance with the terms of that interstate attendance agreement. Such a waiver shall apply only to students attending a community college maintained by that district pursuant to the provisions of that interstate attendance agreement.

22519. The board of governors may adopt rules and regulations to implement the provisions of this article as these provisions apply to California community college districts or to the State of California. Such rules and regulations shall contain the provision that no additional state funds shall be required to carry out the provisions of this chapter. The board of governors shall file a report on the operation of this article on or before the fifth legislative day of the 1975 Regular Session.

CHAPTER 838

An act to amend Section 1208 of the Penal Code, relating to work furloughs.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1208 of the Penal Code is amended to read: 1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

Notwithstanding any other provision of law, the board of supervisors may by ordinance designate a facility for confinement of prisoners classified for the work furlough program and designate the work furlough administrator as the custodian of the facility. The sheriff may transfer custody of such prisoners to the work furlough administrator to be confined in such facility for the period during which they are in the work furlough program.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that

such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, and for family emergencies or pressing business which would result in severe hardship if the release were not granted.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff,

and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

CHAPTER 839

An act to amend Section 14132 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14132 of the Welfare and Institutions Code as amended by Chapter 1685 of the Statutes of 1971 is amended to read:
14132. The following is the basic schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

The extent of such coverage is limited to a maximum total of two services from among the above in any month, and not to exceed twenty-four (24) services from among the above during any period of twelve (12) consecutive months; provided however that only as to physician outpatient services, any visits unused during the month immediately preceding the current month may be used in the current month, subject to the limitation that physician and other services from among the above shall not be covered in excess of twenty-four (24) among all such services during any period of twelve (12) consecutive months. As to hospital outpatient services, the above limitation on extent of coverage shall not apply to the services set forth in subdivisions (e), (f), (g), (h), (i), and (m) when rendered as part of a hospital outpatient visit.

(b) Hospital inpatient care, including physician services, is covered to a maximum of sixty-five (65) days in a period of twelve (12) consecutive months, subject to utilization controls.

(c) Nursing home care, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Other covered services listed in subdivision (a) of this section shall be subject to outpatient service controls described in subdivision (a) of this section.

(d) Purchase of prescription drugs is covered, but not to exceed two prescriptions purchased during any one month, as prescribed, subject to the Medi-Cal Drug Formulary.

(e) Hospital outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Outpatient laboratory and outpatient X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain artificial dentures necessary for obtaining employment or for medical conditions which preclude the use of removable dental prostheses.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(l) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Physical therapy services, occupational therapy services, speech therapy services and audiology services provided in rehabilitation centers approved by the department are covered, subject to utilization controls and approval by the department of extended treatment plans.

CHAPTER 840

An act making an appropriation for the operation and maintenance of state park system facilities at Silverwood Lake, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with
Secretary of State August 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation the sum of eight thousand dollars (\$8,000) for the operation and maintenance of state parks system facilities at Silverwood Lake.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of the Budget Bill of 1972 do not make adequate provision for an existing and an anticipated shortage of state park system facilities. It is essential that the funds appropriated by this act be made available for expenditure at the earliest possible date in order that the existing program will not be delayed. The expeditious correction of such shortage of facilities and the efficient operation of the state park system require the immediate availability of these funds and it is therefore necessary that this act go into immediate effect.

CHAPTER 841

An act to amend and repeal Section 4 of Chapter 1199 of the Statutes of 1970, relating to educational programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 11, 1972. Filed with Secretary of State August 11, 1972.]

I am reducing the appropriation contained in Section 2 (b) of Assembly Bill No. 612 from \$500,000 to \$400,000.

The reduced appropriation reflects what I believe is an appropriate level of State support for Operation SHARE for 1973-74.

With the above reduction I approve Assembly Bill No. 612.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. For the 1972-1973 fiscal year and the 1973-1974 fiscal year the Superintendent of Public Instruction shall not make any allowance pursuant to Section 5788, 5794, or 5798 of the Education Code.

SEC. 2. Any funds appropriated for expenditure pursuant to Section 5788, 5794, or 5798 of the Education Code for those fiscal years are hereby reappropriated for expenditure in accordance with the following schedule:

(a) An amount necessary to provide a total state appropriation of five hundred thousand dollars (\$500,000) for the 1972-1973 fiscal year for the purpose of carrying out the provisions of Chapter 1199 of the Statutes of 1970.

(b) An amount necessary to provide a total state appropriation of five hundred thousand dollars (\$500,000) for the 1973-1974 fiscal year for the purpose of carrying out the provisions of Chapter 1199 of the Statutes of 1970.

(c) The remainder each year shall be allocated by the Superintendent of Public Instruction to carry out the purposes of Chapter 5.8 (commencing with Section 5770) of Division 6 of the Education Code, as follows:

(1) For in-service training by the Department of Education for reading specialists and administrators working in programs conducted pursuant to the chapter on the effective date of this act.

(2) For research and evaluation by the Department of Education of programs being conducted pursuant to the chapter on the effective date of this act. Such research and evaluation shall compare the academic progress of pupils served by such programs with that of similar pupils not being so served.

(3) For the employment of special reading aides in schools in which programs conducted pursuant to the chapter are in operation in which 15 percent or more of the pupils live in homes in which a language other than English is the primary language and in schools

in which not less than 30 percent of the pupils score in the lowest quarter in the first grade state reading test.

(4) For consultant services to the Department of Education to assist with program supervision, research, evaluation, reporting, in-service training, and development of training programs for special reading aides.

(5) For the expansion and improvement of programs conducted pursuant to the chapter.

The Superintendent of Public Instruction shall prescribe objective criteria for the allocation of funds pursuant to this section.

SEC. 3. Section 4 of Chapter 1199 of the Statutes of 1970 is amended to read:

Sec. 4. County offices of education of counties or school districts designated by the Superintendent of Public Instruction as eligible counties or school districts, shall submit project applications to the Superintendent of Public Instruction for funding pursuant to this act. The superintendent shall, from funds appropriated for such purposes, allocate an amount of money not to exceed forty-three dollars (\$43) per tutor per academic semester to the SHARE projects. Such funds may be used for local administration, coordination, recruitment, tutor activities and training, and evaluation. No funds may be used to pay salaries or benefits for tutors.

The Superintendent of Public Instruction shall provide for state evaluation of such projects on a cost-effectiveness basis and shall report to the State Board of Education and the Legislature on an annual basis as to the success of such projects and shall make a final report to such bodies on or before the fifth calendar day of the 1974 session, setting forth his view of the effect of such projects and recommending methods by which the Legislature and the board may provide for the expansion of successful projects.

The Superintendent of Public Instruction shall adopt reasonable rules and regulations to carry out the intent and purpose of this act.

This section shall be operative only until June 30, 1974, and at such time is repealed.

SEC. 4. It is the intent of the Legislature that annual state funding be provided to Operation SHARE. Therefore, the Legislature requests the Superintendent of Public Instruction to include Operation SHARE in the budget of the Department of Education for each fiscal year.

This section shall be operative only until June 30, 1974, and at such time is repealed. It is the intention of the Legislature that subsequent to expiration of this pilot project, local school agencies will assume funding.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the funds appropriated by this act to be

available for expenditure at the commencement of the 1972-1973 school year, or as soon thereafter as possible, and thus facilitate the efficient and effective implementation of the projects for the entire school year, it is necessary that this act take effect immediately.

CHAPTER 842

An act to add Chapter 25.5 (commencing with Section 48561) to Division 17 of the Agricultural Code, relating to marketing of vegetables, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 25.5 (commencing with Section 48561) is added to Division 17 of the Agricultural Code, to read:

CHAPTER 25.5. GREEN ONIONS AND SHALLOTS

Article 1. Standards

48561. Green onions and shallots shall conform to the quality standards established, by regulations, by the director when he finds that such standards shall provide acceptable green onions and shallots to the consumer.

48562. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell green onions and shallots in bulk or in any container or subcontainer, unless such green onions or shallots and their containers conform to the provisions of the regulations adopted by the director.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet the current marketing season for green onions and shallots, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 843

An act requiring the State Lands Commission to negotiate for the acquisition of certain federal lands by indemnity selection or exchange.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The State Lands Commission shall enter into negotiations with the Department of the Interior, through the Bureau of Land Management, for the acquisition by the state of Section 22 of Township 10 North, Range 2 East, San Bernardino meridian, upon the United States having clear fee title to such lands, either by indemnity selection or by the exchange of state lands for such federal lands, in order to insure the preservation and protection of an archaeological site located on such lands.

SEC. 2. In the event that the lands described in Section 1 of this act are acquired by the state, the State Lands Commission shall take all necessary steps to permit other state agencies or political subdivisions to construct buildings and other facilities essential to the preservation and protection of the archaeological site located on such lands.

 CHAPTER 844

An act to add Section 597l to the Penal Code, relating to pet shops.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 597l is added to the Penal Code, to read: 597l. It shall be unlawful for any person who operates a pet shop to fail to do all of the following:

- (1) Maintain the facilities used for the keeping of pet animals in a sanitary condition.
- (2) Provide proper heating and ventilation for the facilities used for the keeping of pet animals.
- (3) Provide adequate nutrition for, and humane care and treatment of, all pet animals under his care and control.
- (4) Take reasonable care to release for sale, trade, or adoption only those pet animals which are free of disease or injuries.
- (5) Provide adequate space appropriate to the size, weight and specie of pet animals.

(b) As used in this section:

(1) "Pet animals" means dogs, cats, monkeys, and other primates, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles, and any other species of animal sold or retained for the purpose of being kept as a household pet.

(2) "Pet shop" means every place or premises where pet animals are kept for the purpose of either wholesale or retail sale. "Pet shop" does not include any place or premises where pet animals are occasionally sold.

(c) Any person who violates any provision of this section is guilty of a misdemeanor and is punishable by a fine of not to exceed five hundred dollars (\$500), or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

CHAPTER 845

An act to amend Sections 15409 and 15452 of the Education Code, relating to school buildings.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 15409 of the Education Code is amended to read:

15409. The governing board of each school district, except districts governed by a city board of education, or any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power before letting any contract or contracts totaling seven thousand five hundred dollars (\$7,500) or more, for the erection of any new school building, or for any addition to, or alteration of, an existing school building, shall submit plans therefor to the State Department of Education, and obtain the written approval of the plans by the department. No contract for building made contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to, or altering any school building in contravention of this section.

SEC. 2. Section 15452 of the Education Code is amended to read:

15452. "School building" as used in this article (commencing at Section 15451) means and includes any building used, or designed to be used, for elementary or secondary schools or community college purposes and constructed, reconstructed, altered, or added to, by the state or by any city or city and county, or by any political subdivision, or by any school district of any kind within the state, or by any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power, or by the the United States government, or any agency thereof.

CHAPTER 846

An act to add Section 3551 to the Public Utilities Code, relating to carriers.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3551 is added to the Public Utilities Code, to read:

3551. No person or corporation, whether or not organized under the laws of this state, shall, after the effective date of this section, acquire or control either directly or indirectly any highway carrier organized and doing business in this state without first securing authorization to do so from the commission. Any such acquisition or control without such prior authorization shall be void and of no effect. No highway carrier organized and doing business under the laws of this state shall aid or abet any violation of this section.

CHAPTER 847

An act to amend, repeal, and add Section 2701, and to amend Sections 2702 and 2703 of, the Business and Professions Code, relating to nurses.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2701 of the Business and Professions Code is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of seven members, is continued in existence in the Department of Consumer Affairs as the California Board of Nursing Education and Nurse Registration.

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative, and on such date is repealed.

SEC. 2. Section 2701 is added to the Business and Professions Code, to read:

2701. The Board of Nurse Examiners of the State of California, consisting of seven members, is continued in existence in the State

Department of Health as the California Board of Nursing Education and Nurse Registration.

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. Section 2702 of the Business and Professions Code is amended to read:

2702. Each member of the board shall be a citizen of the United States and a resident of the State of California. Five of the members shall be licensed professional nurses under the provisions of this chapter, each of whom shall have had at least seven years' experience in the active practice of his profession, and shall have been actually engaged in active practice within two years of his appointment. At least four members of the board shall have had not less than five years' experience as a teacher or administrator in an accredited school of nursing or in a public health nursing organization. Two of the members shall be public members who are not licentiates of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600.

No person may serve as a member of the board for more than two consecutive terms.

SEC. 4. Section 2703 of the Business and Professions Code is amended to read:

2703. Members of the board shall be appointed by the Governor for a term of four years. The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965. An additional public member shall be appointed in 1973 for a term ending June 15, 1977. Vacancies occurring shall be filled by appointment for the unexpired term in the manner hereinabove provided.

SEC. 5. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 2701 of the Business and Professions Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 2701 of the Business and Professions Code, as added by Section 2 of this act, which includes changes made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 848

An act to add Section 23428.19 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.19 is added to the Business and Professions Code, to read:

23428.19. For purposes of this article, "club" also means any private club organized to play handball or racquetball, which owns, maintains, or operates a building containing not less than four regulation-size handball or racquetball courts, which has members, and the members of which each pay regular monthly dues. As used in this section, a "regulation-size handball or racquetball court" is a court meeting the standards for such regulation courts promulgated by the United States Handball Association or an equivalent organization.

It shall be unlawful for any club licensed pursuant to this section to make any discrimination, distinction, or restriction against any person on account of such person's color, race, religion, ancestry, or national origin.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the state, cities and counties may benefit from revenue generated from licensing clubs qualified under this act, it is necessary for this act to take effect immediately.

 CHAPTER 849

An act to amend Section 17667, 17951, and 17970 of the Education Code, relating to the education of inmates.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17667 of the Education Code is amended to read:

17667. (a) Except as provided in subdivision (b), each computation required by this article (commencing at Section 17651) for high school and community college districts shall be made after

excluding from the average daily attendance for the fiscal year the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

(b) The attendance of an inmate, except an adult as defined in Section 5756, attending a community college class or program pursuant to Section 2690 of the Penal Code shall not be excluded pursuant to this section.

SEC. 2. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred fifty dollars (\$350) less the product of fifty cents (\$.50) multiplied by each one hundred dollars (\$100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a community college the allowance shall be five hundred twenty dollars (\$520) less the product of twenty-four cents (\$.24) multiplied by each one hundred dollars (\$100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a community college shall be limited to one hundred twenty-five dollars (\$125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars (\$125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

If any computation made under any of the preceding paragraphs of this section produces an allowable amount not in excess of one hundred twenty-five dollars (\$125) per unit of average daily attendance, such allowable amount computed shall be adjusted if, and to the extent necessary, so that the actual allowance shall not exceed one hundred twenty-five dollars (\$125) per unit of average daily attendance of the adults in high schools and community colleges during the preceding fiscal year.

SEC. 3. Section 17970 of the Education Code is amended to read:

17970. For each fiscal year, the Superintendent of Public Instruction shall allow to each community college district for each unit of average daily attendance of pupils not residing in the district

and not residing in any district maintaining a community college, one hundred twenty-five dollars (\$125) as basic state aid.

There shall be excluded from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

CHAPTER 850

An act to amend Sections 24351 and 24352 of the Health and Safety Code, relating to the Bay Area Air Pollution Control District.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24351 of the Health and Safety Code is amended to read:

24351. There shall be a separate and distinct city selection committee for each county in which the district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council.

Where the district may transact business and exercise its powers only in a portion of a county, the membership of the city selection committee of such county, for purposes of this chapter, shall consist only of such representatives from those cities within that portion of the county.

SEC. 2. Section 24352 of the Health and Safety Code is amended to read:

24352. The governing body of the district is a board of directors who shall be selected as provided in this article.

The board of supervisors of each county in which the district may transact business and exercise its powers shall appoint one of its members to be a member of the board.

The city selection committee of each such county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen of the cities in that portion of the county where the district may transact business and exercise its powers.

SEC. 3. Section 24351 of the Health and Safety Code is amended to read:

24351. There shall be a separate and distinct city selection

committee for each county in which the district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council.

When the mayor or the chairman or president of the city council is unable to attend a meeting of the city selection committee, he may designate a member of the city's elected governing body to serve in his place.

Where the district may transact business and exercise its powers only in a portion of a county, the membership of the city selection committee of such county, for purposes of this chapter, shall consist only of such representatives from those cities within that portion of the county.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 339 are both chaptered and amend Section 24351 of the Health and Safety Code, and this bill is chaptered after Senate Bill No. 339, that the amendments to Section 24351 proposed by both bills be given effect and incorporated in Section 24351 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 339 are both chaptered, both amend Section 24351, and Senate Bill No. 339 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 851

An act to add Section 30101.6 to the Streets and Highways Code, relating to toll bridges.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 30101.6 is added to the Streets and Highways Code, to read:

30101.6. The authority shall grant toll-free passage on all toll bridges, tubes, and other toll highway crossings under its jurisdiction to members of the California Highway Patrol on duty.

Members of the California Highway Patrol in all cases while on duty are persons directly connected with the operation of toll bridges, tubes, and other toll highway crossings as such persons are designated in all of the bond resolutions adopted by the authority to authorize the issuance of bonds to finance the construction of toll structures.

CHAPTER 852

An act to amend Sections 5832.5, 5834, 5835.5, and 5855 of, and to add Section 5832.7 to, the Streets and Highways Code, relating to maintenance districts.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5832.5 of the Streets and Highways Code is amended to read:

5832.5. The board of supervisors may temporarily transfer moneys to the maintenance district fund from other funds in which such moneys are not immediately needed. The money so transferred shall bear interest at a rate to be fixed by the board and shall be used for the purposes provided in this chapter and be retransferred from the maintenance district fund out of the first available receipts.

SEC. 2. Section 5832.7 is added to the Streets and Highways Code, to read:

5832.7. Any area of a maintenance district, or of a temporary zone formed pursuant to Section 5855 in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate share of the unpaid balance of the loan.

SEC. 3. Section 5834 of the Streets and Highways Code is amended to read:

5834. All contracts shall be let to the lowest responsible bidder. The board shall advertise for two or more days in a newspaper of general circulation published in the county, inviting bids for furnishing labor, material or supplies before any contract is made therefor. The board may require such bonds as it may deem adequate from the successful bidder to secure the faithful performance of the contract and the payment of all claims for labor and materials, and may reject any and all bids. In an emergency, work found by a four-fifths vote of the board to be necessary to protect life or property from impending flood damage may be done by negotiated contract without advertising for bids therefor.

SEC. 4. Section 5835.5 of the Streets and Highways Code is amended to read:

5835.5. Pursuant to a resolution adopted by its board of supervisors, a county may lend any available county funds to a county maintenance district for the replacement of obsolete equipment, or to defray unusual maintenance costs. Any such loan may be restricted for use in a temporary zone formed under the provisions of Section 5855 in a district. The loan shall bear interest at a rate to be fixed by the board of supervisors, and shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district, or zone, are appropriated for the

purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed to be responsible for the loan, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying with interest the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

In case of emergency the board may also borrow funds from another maintenance district and the board may lend available district funds to another maintenance district. Such loans shall be subject to the same terms and conditions as loans made from county funds.

SEC. 5. Section 5855 of the Streets and Highways Code is amended to read:

5855. Where the board of supervisors or legislative body has so declared in its resolution of intention to order the formation of a maintenance district or any annexation thereto, the board of supervisors or legislative body may, in its resolution ordering the formation of a maintenance district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

No district shall be divided into zones unless the board of supervisors or legislative body finds that a tax assessment zone requires special services or special facilities in addition to those provided generally by the maintenance district or the replacement of obsolete equipment, and that the tax levy is commensurate with the special benefits to be provided in the zone. The boundaries of tax assessment zones may be changed or a zone may be dissolved in the same manner that a zone may be formed in an existing district.

When a zone is formed for the purpose of the construction or installation of special facilities in addition to those provided generally by the district or to replace obsolete equipment, the board of supervisors or legislative body may provide at the time of formation for the automatic dissolution of the zone upon payment of all assessments attributable to the special facilities.

CHAPTER 853

An act to amend Section 5405 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5405 of the Business and Professions Code, as amended by Chapter 1782 of the Statutes of 1971, is amended to read:

5405. (a) Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, and no advertising display shall be placed or maintained beyond 660 feet from the edge of the right-of-way if the advertising display is designed to be viewed primarily by persons traveling on any interstate or primary highway, other than the following:

(1) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, and which comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this chapter, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(2) Advertising displays advertising the sale or lease of the property upon which they are located, provided all such advertising displays within 660 feet of the edge of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251 and 5415.

(3) Advertising displays which advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; provided all such advertising displays within 660 feet of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251, 5403, and 5415; and provided that no such advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information, or a message center display as defined in paragraph (4) of this subdivision).

(4) Message center displays, provided they advertise the business conducted or services rendered or goods produced or sold upon the property upon which the display is placed. As used in this paragraph,

message center displays are displays which have a changeable message which may be changed by electronic processes or by remote control. Such displays shall be considered as advertising displays for all purposes of this chapter. In addition to complying with all other permit requirements of this chapter, no person shall place such a message center display until after a finding and certification by the director that such display does not appear to constitute a hazard to traffic. All such advertising displays within 660 feet of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251, 5403, and 5415.

(5) Advertising displays erected or maintained pursuant to regulations of the director, and not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

(b) Notwithstanding the provisions of subdivision (a), any advertising display located beyond 660 feet from the edge of the right-of-way of any interstate or primary highway, and designed to be viewed primarily by persons traveling on such highway, which display was lawfully maintained in existence on the effective date of this subdivision but which was not on that date in conformity with the provisions of this article, shall not be required to be removed until the end of the 10th year after the effective date of this subdivision.

CHAPTER 854

An act to amend Sections 73107, 73110, 73113, 73663, 73665, 73666, and 73667 of the Government Code, relating to courts.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73107 of the Government Code is amended to read:

73107. There shall be one clerk of the San Bernardino County Municipal Court District to be known as the municipal court coordinator who shall be appointed by a majority vote of the council of presiding judges from among the top three applicants certified to such council by the Civil Service Commission of the County of San Bernardino on the basis of a competitive examination. He shall receive a salary at a rate specified in range 80 of Section 73113.5. He shall be the appointing power for those positions listed in Section 73113.

SEC. 2. Section 73110 of the Government Code is amended to read:

73110. There shall be one marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of presiding judges and who shall receive a salary at a rate specified in range 73 of Section 73113.5. The marshal shall be the appointing power for those positions listed in Section 73113 as being appointed by the marshal.

SEC. 3. Section 73113 of the Government Code is amended to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court coordinator and the marshal and the salary range prescribed in Section 73113.5 which constitutes the compensation for each job classification are as follows:

Appointed by the Municipal Court Coordinator

Number	Salary range	Job classification
2	68	Clerk of the municipal court II
3	64	Clerk of the municipal court I
2	61	Assistant clerk of the municipal court II
3	53	Assistant clerk of the municipal court I
2	54	Municipal court chief clerk
1	54	Municipal court calendar clerk
12	52	Municipal court clerk
3	46	Municipal court clerk assistant
1	45	Senior fiscal assistant
1	41	Fiscal assistant
1	43	Principal clerk
19	40	Senior clerk
34	34	Intermediate clerk
4	43	Senior stenographer-clerk

Appointed by the Marshal

Number	Salary range	Job classification
1	67	Marshal's captain
1	64	Marshal's lieutenant
5	61	Marshal's sergeant
23	56	Deputy marshal
1	50	Marshal's clerical coordinator
2	49	Bailiff
0	43	Principal clerk
5	40	Senior clerk
6	34	Intermediate clerk
1	30	Clerk

SEC. 2. Section 73663 of the Government Code is amended to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk, three deputy clerks III, one deputy clerk II, and four deputy clerks I.

SEC. 3. Section 73665 of the Government Code is amended to read:

73665. The marshal may appoint, with the approval of the judge and the concurrence of the board of supervisors, three deputy marshals, one senior clerk-typist-matron and one intermediate clerk-typist.

SEC. 4. Section 73666 of the Government Code is amended to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk.....	\$716.56	\$752.94	\$790.40	\$829.01	\$870.89
Chief deputy clerk	522.54	549.01	576.53	605.19	633.86
Deputy clerk III	510.40	534.67	562.21	589.77	619.54
Deputy clerk II	474.00	497.16	522.54	549.01	576.53
Deputy clerk I	438.75	461.89	485.05	510.40	534.67
Marshal.....	1,138.00				
Deputy marshal	716.56	752.94	790.40	829.01	870.89
Senior clerk-typist-matron	534.67	562.21	589.77	619.54	650.41
Intermediate clerk-typist.....	438.75	461.89	485.05	510.40	534.67

SEC. 5. Section 73667 of the Government Code is amended to read:

73667. The positions enumerated in Section 73666 are deemed to be equivalent in job and salary level to certain positions in the classified service of the civil service system of the County of Humboldt, or in some instances, to such positions with a range adjustment on the salary range schedule of the County of Humboldt. The following table sets forth the court classifications with the equivalent county classifications and appropriate range adjustment, if any, shown opposite thereto:

Court classification	County classification
Clerk	Senior clerk plus 14 ranges
Chief deputy clerk	Senior clerk plus 1 range
Deputy clerk III	Senior clerk
Deputy clerk II	Account clerk
Deputy clerk I	Intermediate clerk
Marshal	Sheriff's lieutenant minus 2 ranges

Deputy marshal
Senior clerk-typist-
matron
Intermediate
clerk-typist

Deputy sheriff I
Senior clerk-typist
plus 2 ranges
Intermediate
clerk-typist

In the event that the salary for any county classification which is shown above is increased, then the salary for the equivalent court classification shall be automatically increased to the same amount, with an additional upward range adjustment on the salary range schedule of the County of Humboldt when such range adjustment is indicated in the above table. If the salary for any county classification which is shown above is increased prior to the effective date of this section, the resulting salary increase for the appropriate court classification shall become applicable on the effective date of this section. Any salary increase for a court classification which results from this section shall be effective only until 60 days after the adjournment of the Legislature at its next regular session.

CHAPTER 855

An act to add Chapter 2 (commencing with Section 509) to Title 7 of Part 2 of, and to repeal Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of, the Code of Civil Procedure, relating to claim and delivery, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 2. Chapter 2 (commencing with Section 509) is added to Title 7 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 2. CLAIM AND DELIVERY OF PERSONAL PROPERTY

509. The plaintiff in an action to recover the possession of personal property may, at the time of issuance of summons, or at any time before trial, claim the delivery of such property to him as provided in this chapter.

510. (a) Where a delivery is claimed, the plaintiff, by verified complaint or by an affidavit or declaration under penalty of perjury made by plaintiff, or by someone on his behalf, filed with the court, shall show:

(1) That the plaintiff is the owner of the property claimed or is entitled to the possession thereof, and the source of such title or right; and if plaintiff's interest in such property is based upon a written instrument, a copy thereof shall be attached;

(2) That the property is wrongfully detained by the defendant, the means by which the defendant came into possession thereof, and the cause of such detention according to his best knowledge, information, and belief;

(3) A particular description of the property, a statement of its actual value, and a statement to his best knowledge, information, and belief concerning the location of the property and of the residence and business address, if any, of the defendant;

(4) That the property has not been taken for a tax, assessment, or fine, pursuant to a statute; or seized under an execution against the property of the plaintiff; or, if so seized, that it is by statute exempt from such seizure.

(b) The court shall, without delay, examine the complaint and affidavit or declaration, and if it is satisfied that they meet the requirements of subdivision (a), he shall issue an order directed to the defendant to show cause why the property should not be taken from the defendant and delivered to the plaintiff. Such order shall fix the date and time for the hearing thereon, which shall be no sooner than 10 days from the issuance thereof, and shall direct the time within which service thereof shall be made upon the defendant. Such order shall inform the defendant that he may file affidavits on his behalf with the court and may appear and present testimony on his behalf at the time of such hearing, or that he may, at or prior to such hearing, file with the court a written undertaking to stay the delivery of the property, in accordance with the provisions of Section 514, and that, if he fails to appear, plaintiff will apply to the court for a writ of possession. Such order shall fix the manner in which service thereof shall be made, which shall be by personal service, or in accordance with the provisions of Section 1011, or in such manner as the judge may determine to be reasonably calculated to afford notice thereof to the defendant under the circumstances appearing from the complaint and affidavit or declaration.

(c) Upon examination of the complaint and affidavit or declaration and such other evidence or testimony as the judge may, thereupon, require, a writ of possession may be issued prior to hearing, if probable cause appears that any of the following exist:

(1) The defendant gained possession of the property by theft, as defined by any section of Title 13 (commencing with Section 447) of Part 1 of the Penal Code;

(2) The property consists of one or more negotiable instruments or credit cards;

(3) By reason of specific, competent evidence shown, by testimony within the personal knowledge of an affiant or witness, the property is perishable, and will perish before any noticed hearing can be had, or is in immediate danger of destruction, serious harm,

concealment, or removal from this state, or of sale to an innocent purchaser; and that the holder of such property threatens to destroy, harm, conceal, remove it from the state, or sell it to an innocent purchaser.

Where a writ of possession has been issued prior to hearing under the provisions of this section, the defendant or other person from whom possession of such property has been taken may apply to the court for an order shortening the time for hearing on the order to show cause, and the court may, upon such application, shorten the time for such hearing, and direct that the matter shall be heard on not less than 48 hours' notice to the plaintiff.

(d) Under any of the circumstances described in subdivision (a), or in lieu of the immediate issuance of a writ of possession under any of the circumstances described in subdivision (c), the judge may, in addition to the issuance of an order to show cause, issue such temporary restraining orders, directed to the defendant, prohibiting such acts with respect to the property, as may appear to be necessary for the preservation of rights of the parties and the status of the property.

(e) Upon the hearing on the order to show cause, the court shall consider the showing made by the parties appearing, and shall make a preliminary determination, which party, with reasonable probability, is entitled to possession, use, and disposition of the property, pending final adjudication of the claims of the parties. If the court determines that the action is one in which a prejudgment writ of possession should issue, it shall direct the issuance of such writ.

511. (a) A writ of possession shall not issue to enter the private premises of any person for the purpose of seizure of property, unless the court shall determine from competent evidence that there is probable cause to believe that the property or some part thereof is located therein.

(b) A writ of possession shall not issue until plaintiff has filed with the court a written undertaking executed by two or more sufficient sureties, approved by the court, to the effect that they are bound to the defendant in double the value of the property, as determined by the court, for the return of the property to the defendant, if return thereof be ordered, and for the payment to him of any sum as may from any cause be recovered against the plaintiff.

512. (a) The writ of possession shall be directed to the sheriff, constable, or marshal, within whose jurisdiction the property is located. It shall describe the specific property to be seized, and shall specify the location or locations where, as determined by the court from all the evidence, there is probable cause to believe the property or some part thereof will be found. It shall direct the levying officer to seize the same if it is found, and to retain it in his custody. There shall be attached to such writ a copy of the written undertaking filed by the plaintiff, and such writ shall inform the defendant that he has the right to except to the sureties upon such undertaking or to file a written undertaking for the redelivery of such property, as

provided in Section 514.

(b) Upon probable cause shown by further affidavit or declaration by plaintiff or someone on his behalf, filed with the court, a writ of possession may be endorsed by the court, without further notice, to direct the levying officer to search for the property at another location or locations and to seize the same, if found.

513. The levying officer shall forthwith take the property, if it be in the possession of the defendant or his agent, and retain it in his custody, either by removing the property to a place of safekeeping or, upon good cause shown, by installing a keeper, provided that, when the property is used as a dwelling, such as a housetrailer, mobilehome, or boat, the same shall be taken by placing a keeper in charge of the property, at plaintiff's expense, for two days. At the expiration of such period, the officer shall remove its occupants and take the property into his immediate custody.

If the property or any part thereof is in a building or enclosure, the levying officer shall demand its delivery, announcing his identity, purpose, and the authority under which he acts. If it is not voluntarily delivered, he shall cause the building or enclosure to be broken open in such manner as he reasonably believes will cause the least damage to the building or enclosure, and take the property into his possession. He may call upon the power of the county to aid and protect him, but if he reasonably believes that entry and seizure of the property will involve a substantial risk of death or serious bodily harm to any person, he shall refrain from seizing the property, and shall forthwith make a return before the court from which the writ issued, setting forth the reasons for his belief that such risk exists. The court shall make such orders and decrees as may be appropriate.

The levying officer shall, without delay, serve upon the defendant a copy of the writ of possession and written undertaking, the complaint and affidavit or declaration, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either with some person of suitable age and discretion; or, if neither have any known place of abode, by mailing them to their last known address.

514. At any time prior to the hearing of the order to show cause, or before the delivery of the property to the plaintiff, the defendant may require the return thereof upon filing with the court a written undertaking executed by two or more sufficient sureties, approved by the court, to the effect that they are bound in double value of the property, as stated in the verified complaint, affidavit, or declaration of the plaintiff, or as determined by the court for the delivery thereof to the plaintiff, if such delivery be ordered, and for the payment to him of such sum as may for any cause be recovered against the defendant. At the time of filing such undertaking, the defendant shall serve upon the plaintiff or his attorney, in the manner provided by Section 1011, a notice of filing of such undertaking, to which a copy of such undertaking shall be attached, and shall cause proof of

service thereof to be filed with the court. If such undertaking be filed prior to hearing of the order to show cause, proceedings thereunder shall terminate, unless exception is taken to such sureties. If, at the time of filing of such undertaking, the property shall be in the custody of the levying officer, such property shall be redelivered to the defendant five days after service of notice of filing such undertaking upon the plaintiff or his attorney.

515. The qualification of sureties under any written undertaking referred to in this chapter shall be such as are prescribed by this code, in respect to bail upon an order of civil arrest. Either party may, within two days after service of an undertaking or notice of filing an undertaking under the provisions of this chapter, give written notice to the court and the other party that he excepts to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When a party excepts, the other party's sureties shall justify on notice within not less than two, nor more than five, days, in like manner as upon bail on civil arrest. If the property be in the custody of the levying officer, he shall retain custody thereof until the justification is completed or waived or fails. If the sureties fail to justify, the levying officer shall proceed as if no such undertaking had been filed. If the sureties justify or the exception is waived, he shall deliver the property to the party filing such undertaking.

516. When the levying officer has taken property as provided in this chapter, he shall keep it in a secure place and deliver it to the party entitled thereto, upon receiving his fees for taking and his necessary expenses for keeping the same, after expiration of the time for filing of an undertaking for redelivery and for exception to the sureties upon any undertaking, unless the court shall by order stay such delivery.

517. In cases where the property taken is claimed by any person other than the defendant or his agent, the rules and proceedings applicable in cases of third party claims after levy under execution or attachment shall apply.

518. The levying officer shall return the writ of possession, with his proceedings thereon, to the court in which the action is pending, within 20 days after taking the property mentioned therein.

519. After the property has been delivered to a party or the value thereof secured by an undertaking as provided in this chapter, the court shall, by appropriate order, protect that party in the possession of such property until the final determination of the action.

520. In all proceedings brought to recover the possession of personal property, all courts, in which such actions are pending, shall, upon request of any party thereto, give such actions precedence over all other civil actions, except actions to which special precedence is otherwise given by law, in the matter of the setting of the same for hearing or trial, and in hearing or trial thereof, to the end that all such actions shall be quickly heard and determined.

521. This chapter shall be operative only until December 31, 1975,

and on and after that date shall have no force or effect.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Supreme Court of California, in *Blair v. Pitchess*, 5 Cal. 3rd 258, decided on July 1, 1971, held the California claim and delivery law unconstitutional, as violative of procedural due process.

As a result of that case, there is no statutory plan whereby owners of personal property, unjustly withheld by persons having possession thereof, can secure an order or follow a judicial procedure to recover immediate possession of such property. This act is necessary to provide such a remedy.

SEC. 4. The Legislature declares this act is for the purpose of giving persons claiming the legal right to possession of property the legal remedies necessary to do so, within the requirements of procedural due process as set forth in the decision of *Blair v. Pitchess*, and that this act will enable controversies to be decided within the judicial system, and prevent controversies arising which will disturb the peace and well-being of the people of the State of California.

CHAPTER 856

An act to amend Sections 1410, 1501, and 1510 of, and to add Section 1521 to, the Code of Civil Procedure, and to amend Section 231 of the Probate Code, relating to escheat.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1410 of the Code of Civil Procedure is amended to read:

1410. The Attorney General shall, from time to time, commence actions on behalf of the state for the purpose of having it adjudged that title to unclaimed property to which the state has become entitled by escheat has vested in the state, and for the purpose of having it adjudged that property has been actually abandoned or that the owner thereof has died and there is no person entitled thereto and the same has escheated and vested in the state. Such actions shall be brought in the Superior Court for the County of Sacramento; except that if any real property covered by the petition is not situated in the County of Sacramento, an action respecting the real property shall be commenced in the superior court for the county in which such real property or any part thereof is situated. The Attorney General shall cause to be recorded in the office of the county recorder of the county in which the real property is situated, a notice

of the pendency of the petition containing the names of the parties, and the object of the action and a description of the property in the county affected thereby. From the time of filing such notice for record only, shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action, and only of the pendency against parties designated by their real names.

Such action shall be commenced by filing a petition. The provisions of Section 1420, relating to the facts to be set forth in the petition, joinder of parties and causes of action, and the provisions of Section 1423, relating to appearances and pleadings, shall be applicable to any proceeding had under this section.

Upon the filing of the petition, the court shall make an order requiring all persons interested in the property or estate to appear on a day not more than 90 days nor less than 60 days from the date of the order and show cause, if any they have, why title to the property should not vest in the State of California.

Service of process in such actions shall be made by delivery of a copy of the order, together with a copy of the petition, to each person who claims title to any property covered by the petition and who is known to the Attorney General or the Controller or who has theretofore filed in the office of the Controller a written request for such service of process, stating his name and address, including street number, or post-office box number, if any, and by publishing the order at least once a week for four consecutive weeks in a newspaper published in the county in which the action is filed, the last publication to be at least 10 days prior to the date set for the hearing.

Upon completion of the service of process, as provided in this section, the court shall have full and complete jurisdiction over the estate, the property, and the person of everyone having or claiming any interest in the property, and shall have full and complete jurisdiction to hear and determine the issues therein, and to render an appropriate judgment.

In addition to the foregoing publication of the order, a notice shall be given by publication, at least once a week for four successive weeks in a newspaper published in the county from which the property was forwarded to the State Treasury or is situated, of each estate and item of property from such county or situated in such county in excess of one thousand dollars (\$1,000). Such notice shall state that a petition has been filed and an order made as hereinbefore provided and shall list each estate and item in excess of one thousand dollars (\$1,000) and show the amount of the property, if money, or a description thereof, if other than money, and the name of the owner or claimant and his last known address. Any omission or defect in the giving of such additional notice shall not affect the jurisdiction of the court.

If it appears from the facts found or admitted that the state is entitled to the property or any part thereof mentioned in the petition, judgment shall be rendered that title to such property or

part thereof, as the case may be, has vested in the state by escheat.

No costs of suit shall be allowed against any party in any action or proceeding had under this section.

SEC. 2. Section 1501 of the Code of Civil Procedure is amended to read:

1501. As used in this chapter, unless the context otherwise requires:

(a) "Apparent owner" means the person who appears from the records of the holder to be entitled to property held by the holder.

(b) "Banking organization" means any national or state bank, trust company, banking company, land bank, savings bank, safe deposit company, private banker, or any similar organization.

(c) "Business association" means any private corporation, joint stock company, business trust, partnership, or any association for business purposes of two or more individuals, whether or not for profit, including, but not by way of limitation, a banking organization, financial organization, life insurance corporation, and utility.

(d) "Financial organization" means any federal or state savings and loan association, building and loan association, credit union, investment company, or any similar organization.

(e) "Government or governmental subdivision or agency" does not include the United States government or any officer, department, or agency thereof.

(f) "Holder" means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter.

(g) "Life insurance corporation" means any association or corporation transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(h) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this chapter, or his legal representative.

(i) "Person" means any individual, business association, government or governmental subdivision or agency, two or more persons having a joint or common interest, or any other legal or commercial entity, whether such person is acting in his own right or in a representative or fiduciary capacity.

(j) "Utility" means any person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas, whose rates are regulated by the Public Utilities Commission of this state or by a similar public agency of another state or of the United States.

(k) "Employee benefit trust distribution" means any money, life

insurance, endowment or annuity policy or proceeds thereof, securities or other intangible property, and any tangible property, distributable to a participant, former participant, or the beneficiary or estate or heirs of a participant or former participant or beneficiary, from a trust or custodial fund established under a plan to provide health and welfare, pension, vacation, severance, retirement benefit, death benefit, stock purchase, vacation, profit sharing, employee savings, supplemental unemployment insurance benefits or similar benefits.

SEC. 3. Section 1510 of the Code of Civil Procedure is amended to read:

1510. Unless otherwise provided by statute of this state, intangible personal property escheats to this state under this chapter if the conditions for escheat stated in Sections 1513 through 1521 exist, and if:

(a) The last known address, as shown on the records of the holder, of the apparent owner is in this state.

(b) No address of the apparent owner appears on the records of the holder and:

(1) The last known address of the apparent owner is in this state; or

(2) The holder is domiciled in this state and has not previously paid the property to the state of the last known address of the apparent owner; or

(3) The holder is a government or governmental subdivision or agency of this state and has not previously paid the property to the state of the last known address of the apparent owner.

(c) The last known address, as shown on the records of the holder, of the apparent owner is in a state designated by regulation adopted by the State Controller as a state that does not provide by law for the escheat of such property and the holder is (1) domiciled in this state or (2) a government or governmental subdivision or agency of this state.

(d) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is (1) domiciled in this state or (2) a government or governmental subdivision or agency of this state.

SEC. 4. Section 1521 is added to the Code of Civil Procedure, to read:

1521. (a) Except as provided in subdivision (b), and subject to Section 1510, all employee benefit trust distributions and any income or other increment thereon escheats to the state if the owner has not, within seven years after it becomes payable or distributable, accepted such distribution, corresponded in writing concerning such distribution, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary of the trust or custodial fund or administrator of the plan under which such trust or fund is established. As used in this section, "fiduciary" and "administrator" shall have the meaning provided in Section 28002 of

the Corporations Code.

(b) An employee benefit trust distribution and any income or other increment thereon shall not escheat to this state if, at the time such distribution shall become payable to a participant in an employee benefit plan, such plan contains a provision for forfeiture or expressly authorizes the trustee to declare a forfeiture of a distribution to a beneficiary thereof who cannot be found after a period of time specified in such plan, and the trust or fund established under the plan has not terminated prior to the date on which such distribution would become forfeitable in accordance with such provision.

SEC. 5. Section 231 of the Probate Code is amended to read:

231. (a) If a decedent, whether or not he was domiciled in this state, leaves no one to take his estate or any portion thereof by testate succession, and no one other than a government or governmental subdivision or agency to take his estate or a portion thereof by intestate succession, under the laws of this state or of any other jurisdiction, the same escheats at the time of his death in accordance with this article.

(b) Property passing to the state under this article, whether held by the state or its officers, is subject to the same charges and trusts to which it would have been subject if it had passed by succession, and is also subject to the provisions of Title 10 (commencing with Section 1300) of Part 3 of the Code of Civil Procedure relating to escheated estates.

(c) Notwithstanding any other provision of law, a benefit consisting of moneys or other property distributable from a trust established under a plan providing health and welfare, pension, vacation, severance, retirement benefit, death benefit, unemployment insurance or similar benefits shall not pass to the state or escheat to the state, but shall go to the trust or fund from which distributable. If, however, such plan has terminated and the trust or fund has been distributed to the beneficiaries thereof prior to distribution of such benefit from the estate, such benefit shall pass to the state and escheat to the state as provided herein.

SEC. 6. This act shall not become operative until January 1, 1973.

CHAPTER 857

An act to amend Sections 405.5 and 751 of, and to add Section 1815.2 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 405.5 of the Revenue and Taxation Code is amended to read:

405.5. The assessor shall periodically appraise all property to substantiate his judgment of its full cash value or, when provided for by law, its restricted value for uniform assessment purposes.

SEC. 2. Section 751 of the Revenue and Taxation Code is amended to read:

751. The board shall value and assess all state assessed property as of 12:01 a.m. on the first day of March.

SEC. 3. Section 1815.2 is added to the Revenue and Taxation Code, to read:

1815.2. The term "total full cash value," as used in this article, shall mean that value, whether an actual market value or a restricted value, required by the Constitution or statutes to be determined for purposes of property taxation.

SEC. 4. The provisions of this act shall become operative on the lien date in 1973.

CHAPTER 858

An act to amend Section 3507.3 of the Government Code, and to amend Section 3505.1 as proposed to be added to the Government Code by Senate Bill No. 1440 of the 1972 Regular Session, relating to public employee organizations.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3507.3 of the Government Code is amended to read:

3507.3. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such professional employees. In the event of a dispute on the appropriateness of a unit of representation for professional employees, upon request of any of the parties, the dispute shall be submitted to the Division of Conciliation of the Department of Industrial Relations for mediation

or for recommendation for resolving the dispute.

“Professional employees,” for the purposes of this section, means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical, and biological scientists.

SEC. 2. Section 3505.1 as proposed to be added to the Government Code by Senate Bill No. 1440 of the 1972 Regular Session is amended to read:

3505.1. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such professional employees. In the event of a dispute on the appropriateness of a unit of representation for professional employees, upon request of any of the parties, the dispute shall be submitted to the board for mediation or for recommendation for resolving the dispute.

SEC. 3. Section 2 of this act shall be operative only if Senate Bill No. 1440 of the 1972 Regular Session is enacted into law, in which case Section 1 of this act shall not be operative.

CHAPTER 859

An act to add Section 255.5 to the Health and Safety Code, relating to crippled children's services and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 255.5 is added to the Health and Safety Code, to read:

255.5. The department and designated agencies shall not deny eligibility or aid under the crippled children's program because an otherwise eligible person is receiving treatment services under a teaching program at an accredited medical school facility, whether or not all or part of such treatment services are performed by the staff at such facility, provided that treatment services at such facility are under the general supervision of a crippled children services program panel physician.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In some areas there is reluctance to send children, otherwise qualified for crippled children's service grants, to places where

treatment services are under teaching programs at accredited medical school facilities. Treatment under such teaching programs is generally financially assisted from other sources in addition to crippled children's assistance and is in no way inferior in quality. Thus, such programs save money in the crippled children's service program making crippled children's services available to more persons for which there is immediate need.

CHAPTER 860

An act to amend Sections 24224 and 39402 of, and to add Section 24355.4 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24224 of the Health and Safety Code is amended to read:

24224. The air pollution control officer shall observe and enforce within his air pollution control district:

(a) The provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, and all provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, 27158.5.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 (commencing with Section 24291) of this chapter.

SEC. 2. Section 24355.4 is added to the Health and Safety Code, to read:

24355.4. The control officer may observe and enforce, and, if funds are subvented to the district pursuant to Chapter 8 (commencing with Section 39280) of Part 1 of Division 26, as proposed by Assembly Bill No. 1582 of the 1972 Regular Session of the Legislature, the control officer shall observe and enforce, all provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, and 27158.5.

SEC. 3. Section 39402 of the Health and Safety Code is amended to read:

39402. The control officer shall observe and enforce:

(a) The provisions of this chapter and Chapter 3.5 (commencing with Section 39077) of Part 1.

(b) All orders, regulations, and rules prescribed by the regional board.

(c) All variances and standards which the regional hearing board has prescribed.

(d) All provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Section 27157, 27157.5, 27158, and 27158.5.

SEC. 4. Section 24224 of the Health and Safety Code is amended to read:

24224. The air pollution control officer shall observe and enforce, within his air pollution control district:

(a) The provisions of this chapter, all provisions of Part 1 (commencing with Section 39000) of Division 26 relating to nonvehicular sources of air contaminants, and all provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, and 27158.5.

(b) All orders, regulations, and rules prescribed by the air pollution control board of the air pollution control district pursuant to this chapter.

(c) All variances and standards which the hearing board has prescribed pursuant to Article 5 (commencing with Section 24291) of this chapter.

SEC. 5. Section 39402 of the Health and Safety Code is amended to read:

39402. The control officer shall observe and enforce:

(a) The provisions of this chapter and all provisions of Part 1 (commencing with Section 39000) of this division relating to nonvehicular sources of air contaminants.

(b) All orders, regulations, and rules prescribed by the regional board.

(c) All variances and standards which the regional hearing board has prescribed.

(d) All provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, and 27158.5.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2122 are both chaptered and amend Section 24224 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2122, that the amendments to Section 24224 proposed by both bills be given effect and incorporated in Section 24224 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 2122 are both chaptered, both amend Section 24224, and Assembly Bill No. 2122 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 2122 are both chaptered and amend Section 39402 of the Health and Safety Code, and this bill is chaptered after Assembly Bill

No. 2122, that the amendments to Section 39402 proposed by both bills be given effect and incorporated in Section 39402 in the form set forth in Section 5 of this act. Therefore, Section 5 of this act shall become operative only if this bill and Assembly Bill No. 2122 are both chaptered, both amend Section 39402, and Assembly Bill No. 2122 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 861

An act to repeal Section 7268 of the Government Code and to add Section 690.8 to the Code of Civil Procedure, relating to relocation assistance.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7268 of the Government Code is repealed.

SEC. 2. Section 690.8 is added to the Code of Civil Procedure, to read:

690.8. For a period of six months from the date of receipt, the proceeds received from a public entity pursuant to Chapter 16 (commencing with Section 7260), Division 7, Title 1 of the Government Code for displacement from a dwelling.

CHAPTER 862

An act to amend Section 33114.5 of the Health and Safety Code, relating to community redevelopment.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 33114.5 of the Health and Safety Code is amended to read:

33114.5. Notwithstanding any other provision of law, whenever the legislative body of a city having a population of less than 200,000 or the legislative body of a county declares itself to be the agency pursuant to Section 33200, the compensation provided for in Section 33114 shall not exceed twenty-five dollars (\$25) per member for each meeting of the agency attended by the member. No member shall receive compensation for attending more than four meetings of the agency during any calendar month. In addition, members shall

receive their actual and necessary expenses incurred in the discharge of their duties.

CHAPTER 863

An act to amend Sections 2711, 2801, 2801.1, 2803, and 2804 of, and to add Section 2805 to, the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2711 of the Unemployment Insurance Code is amended to read:

2711. Where an individual eligible for additional benefits during confinement in a hospital or nursing home has first given his written consent with respect to a particular claim, the additional benefits shall be paid directly to the hospital or nursing home in which he is confined in accordance with authorized regulations adopted by the director prescribing procedure governing such payments. Any additional benefits during such confinement in excess of the daily rate of charge for care, including special care or treatment by a hospital or nursing home, shall be paid to the disabled individual as otherwise provided in this division.

SEC. 2. Section 2801 of the Unemployment Insurance Code is amended to read:

2801. During confinement in a hospital or nursing home, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of twelve dollars (\$12) for each day not in excess of 20 days in any one disability benefit period, during which he is so confined pursuant to orders of his physician or of a practitioner duly authorized by any bona fide church, sect, denomination, or organization whose principles or teachings call for dependence for healing entirely upon prayer or spiritual means.

For the purposes of this part, "hospital" includes those institutions operated as hospitals but exempt from licensing by the State Department of Public Health under the provisions of subdivision (c) of Section 1415 of the Health and Safety Code.

For the purposes of this part, "nursing home" shall mean an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code. "Nursing home" shall also mean any nursing home conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend

upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

SEC. 3. Section 2801.1 of the Unemployment Insurance Code is amended to read:

2801.1. Except as to individuals disqualified from receiving benefits under Section 2678, confinement in a hospital or in a nursing home pursuant to court order or physician's or health officer's certificate shall be equivalent to orders of the individual's physician as required by Section 2801.

SEC. 4. Section 2803 of the Unemployment Insurance Code is amended to read:

2803. "Day" as used in Section 2801 means any 24-hour period of time during which the claimant is in a hospital or a nursing home, or any 24-hour period or any part thereof for which a hospital or a nursing home charges a patient a full day's rate.

SEC. 5. Section 2804 of the Unemployment Insurance Code is amended to read:

2804. When an individual is furnished or is compensated for hospitalization or confinement in a nursing home pursuant to the Workmen's Compensation Law or an employer's liability law of this state or of any other state or of the federal government he shall be ineligible to receive the twelve dollars (\$12) per day as provided in Section 2801 for any day for which he is receiving or is eligible to receive in the form of cash payments benefits under the Workmen's Compensation Law or an employer's liability law of this state or of the federal government.

SEC. 6. Section 2805 is added to the Unemployment Insurance Code, to read:

2805. An individual shall not be eligible for additional benefits under this chapter while confined in a nursing home unless both of the following requirements are satisfied:

(a) Confinement in such nursing home is pursuant to the orders of the physician.

(b) Immediately prior to the confinement in such nursing home, he was confined in a hospital for not less than 15 consecutive days pursuant to the orders of his physician or confined to such nursing home by order of a physician, where such nursing home is used where an individual's disability requires immediate hospitalization and a bed is unavailable in a hospital.

SEC. 7. The provisions of Sections 2711, 2801, 2801.1, 2803, 2804, and 2805 of the Unemployment Insurance Code as amended and added by Sections 1, 2, 3, 4, 5, and 6 of this act shall become operative with respect to periods of disability commencing on or after January 1, 1973. The provisions of such sections of such code as in effect prior to such amendments shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1973.

CHAPTER 864

An act to amend Sections 20110 and 20806.5 of the Education Code, as added by Chapter 319 of the Statutes of 1972, and to amend Sections 821 and 822 of the Unemployment Insurance Code, as added by Chapter 319 of the Statutes of 1972, and to amend Sections 1027 and 1265.5 of the Unemployment Insurance Code, relating to unemployment insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20110 of the Education Code, as added by Chapter 319 of the Statutes of 1972, is amended to read:

20110. The Superintendent of Public Instruction shall represent, and exercise all rights of appeal under this part on behalf of school employers or arrange with a county superintendent of schools or make designation thereof consistent with this section for the filing of appeals for school employers and for the representation of school employers at hearings held under Part 1 (commencing with Section 100) of Division 1 of the Unemployment Insurance Code. The cost of services provided by the Superintendent of Public Instruction under this section and under Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code shall be paid from the Classified School Employees Fund. The Superintendent of Public Instruction is hereby authorized to obtain pertinent personnel records and data from any school employer and to act as an agent individually or collectively for school employers in matters pertaining to unemployment insurance.

Each county superintendent of schools, unless notified by the administrator or the Superintendent of Public Instruction to the contrary, shall perform such duties and render such services as required to implement such program. Any district, combination of districts, county, combination of counties, or combination of counties and school districts, may be designated by the Superintendent of Public Instruction whereby one agency may administer the program for the purpose of consolidation for economy and employment of specialists. This consolidation may include the services of a regional data center operated by a county superintendent of schools or the data-processing services of a school district.

Each school employer shall perform pursuant to Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 of the Unemployment Insurance Code and shall respond to the Superintendent of Public Instruction and the county superintendent of schools or designated agency as soon as possible, in no case later than 48 hours, to inquiries made on behalf of such county superintendent or the Superintendent of Public Instruction in

reference to any aspect of eligibility, notice of claim or appeal under the unemployment insurance program. Each county superintendent or agent thereof who is responsible for administering the unemployment insurance program shall be responsible for timely responses to any inquiry by the administrator, Superintendent of Public Instruction, State Treasurer, State Controller, or other officer or person responsible for disbursements on behalf of the joint account, the Classified School Employees Fund in the State Treasury as established by Section 822 of the Unemployment Insurance Code, and the Unemployment Fund in the State Treasury. Any school employer which fails to pay the contributions, interest, charges or levies within the time required shall be liable for interest on moneys due at the rate of one-half percent (0.5%) per month. If, except as stated in Section 828 of the Unemployment Insurance Code with reference to Section 826 thereof, the school employer fails, without good and substantial cause, to pay any sums required within the time required a penalty of 10 percent of the amount noticed, billed or required shall be made by the administrator. The administrator may for good cause waive all or a portion of interest and penalty.

SEC. 2. Section 20806.5 of the Education Code, as added by Chapter 319 of the Statutes of 1972, is amended to read:

20806.5. For the purpose of implementing Section 13658, a school employer, while utilizing general fund moneys or moneys derived pursuant to Section 822 of the Unemployment Insurance Code, may budget for such disbursements for prior, current, and future years, as the need may indicate, for administrative cost reimbursements, payments and reserves for individual employer's obligations pursuant to Section 821 of the Unemployment Insurance Code. Such moneys shall be held in a revolving account by a district, or county superintendent of schools or in such fund or account as may be designated by law or contract. When any such moneys are held by a county, they shall be excluded from limits placed on reserves.

SEC. 3. Section 821 of the Unemployment Insurance Code, as added by Chapter 319 of the Statutes of 1972, is amended to read:

821. (a) Effective January 1, 1972, each employing unit defined by Section 135.3 shall, in lieu of the contributions required of employers, pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for such employing unit and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(b) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an employing unit under subdivision (a) of this section.

(c) In making the payments prescribed by subdivision (a), there

shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each employing unit for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall mail notice of the determination to the employing unit.

The director may cancel any contributions or portion thereof which he finds have been erroneously determined. The contributions due from the employing units shall be paid, transferred or credited from the Classified School Employees Fund established in the State Treasury by Section 822 to the Unemployment Fund by the State Treasurer, State Controller, or other officer or person responsible for disbursements on behalf of the employing unit within 30 days of the date of mailing of the director's notice of determination to the employing unit.

Each employing unit shall send a copy of any and all notices, billings or correspondence not normally routed to the administrator and the Superintendent of Public Instruction regarding unemployment insurance for the classified school employees to the administrator, the Superintendent of Public Instruction, and county superintendent of schools, or agent thereof with timely documentation of charges or determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of this part with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of this part with respect to the collection of contributions, shall apply to the assessments provided by this article. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(d) Notwithstanding any other provision of this section, no employing unit shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(e) The administrator and the Superintendent of Public Instruction shall adopt rules and regulations for the administration of their respective functions under this article in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. Regulations of the administrator shall be subject to the provisions of Article 1 (commencing with Section 301) of Chapter 2 of Part 1 of Division 1. Rules and regulations of the Superintendent of Public Instruction shall not be subject to the provisions of Article 1 (commencing with Section 301) of Chapter 2 of Part 1 of Division 1.

SEC. 4. Section 822 of the Unemployment Insurance Code, as added by Chapter 319 of the Statutes of 1972, is amended to read:

822. There is hereby established in the State Treasury the "Classified School Employees Fund". Moneys received from tax levies pursuant to Section 825, together with any charges, notices, fees, interest, penalties, assessments, or other revenue, shall be deposited in this fund. All money in the fund is hereby appropriated to the administrator without regard to fiscal year for carrying out the purposes of this article, for administrative costs, for making refunds, and for investment through the Surplus Money Investment Fund, with any interest or earnings credited to the Classified School Employees Fund. Funds to be used for administrative costs shall be budgeted and expended in accordance with existing state law.

SEC. 5. Section 1027 of the Unemployment Insurance Code is amended to read:

1027. The director shall maintain a balancing account.

(a) Except as provided by Sections 803, 821, 1456, 1466, and 1476, the balancing account shall be credited with:

(1) Contributions paid pursuant to Section 976.5.

(2) Positive balances in reserve accounts canceled pursuant to Section 1029.

(3) Other items of income not included in active employer reserve accounts.

(b) Except as provided by Sections 803, 821, 1456, 1466, and 1476, the balancing account shall be charged with:

(1) The amount of negative reserve balances accrued to the computation date for each year.

(2) Benefit payments not charged to employer reserve accounts pursuant to Sections 1032, 1032.5, 1034, 1035, 1036, 1335, 1338, 1380, 1404, and 1406.

(3) Extended duration benefits paid pursuant to Part 3 (commencing with Section 3501) of this division, but only to the extent that such extended duration benefits are not reimbursed or reimbursable by the federal government to the State of California.

(4) Federal-state extended benefits paid pursuant to Part 4 (commencing with Section 4001) of this division, but only to the extent that such federal-state extended benefits are not reimbursed or reimbursable by the federal government to the State of California.

(5) Other items of expense and benefit charges not included in active employer reserve accounts.

SEC. 6. Section 1265.5 of the Unemployment Insurance Code is amended to read:

1265.5. Notwithstanding any other provision of this division, payments to an individual for vacation pay, sick pay, or holiday pay which was earned but not paid for services performed prior to termination of employment, shall not be construed to be wages or compensation for personal services under this division and benefits payable under this division shall not be denied or reduced because of the receipt of such payment.

SEC. 7. The provisions of Section 1265.5 of the Unemployment Insurance Code as amended by this act shall be operative only with respect to payments of vacation pay, sick pay and holiday pay made on or after January 1, 1973. The provisions of Section 1265.5 of the Unemployment Insurance Code as in effect prior to the amendments made by this act shall remain applicable to payments of vacation pay made prior to January 1, 1973.

SEC. 8. The provisions of Section 20806.5 of the Education Code as amended by this act shall be operative with respect to the tax levied and collected pursuant to Section 825 of the Unemployment Insurance Code.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that the powers and duties of the administrator of the Classified School Employees Fund, the Superintendent of Public Instruction, and school employers under Chapter 319 of the Statutes of 1972 be clarified in order that the administration of the program may proceed in an orderly and efficient manner for the protection of the unemployment insurance rights of classified service school employees and that school employers may have knowledge of the statutory authority to levy such tax rates as are necessary and other statutory powers and duties under such Chapter 319. For these reasons it is essential that this act take effect immediately.

CHAPTER 865

An act to add Section 66515.5 to the Government Code, relating to public transit.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 66515.5 is added to the Government Code, to read:

66515.5. Any public multicounty transit system entirely within the region using an exclusive right-of-way shall incorporate physical characteristics compatible with the system of the San Francisco Bay Area Rapid Transit District, and provision shall be made for the unified management and operation of any interconnecting facilities.

CHAPTER 866

An act to amend Section 69503.1 of, and to add Sections 69503.2 and 69503.3 to, the Government Code, relating to records.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69503.1 of the Government Code is amended to read:

69503.1. (a) Notwithstanding Section 69503 of the Government Code or any other law relating to the destruction of court records except the provisions of this section and Section 69503.2, the county clerk may cause to be destroyed any records, papers, case files, and exhibits in any superior court action or proceeding after 30 years have elapsed since the filing of any paper in the action or proceeding and when the records of the county clerk do not show that the action or proceeding is pending on appeal in any court, provided that minute book entries, minute books, judgment books, and registers of actions shall not be destroyed, unless microfilmed in accordance with the provisions of Section 69503 of the Government Code, and shall constitute for all purposes the record in lieu of the records, papers and exhibits destroyed. For the purposes of this section, "destroy" means destroy or dispose of for the purposes of destruction.

(b) Prior to the disposition of such records the county clerk shall give notice of the proposed disposition to the Secretary of State, who shall have 60 days to request the transfer of the records. If the Secretary of State does not request the transfer of the records the county clerk may destroy them pursuant to this section.

(c) Case files of civil actions which have been dismissed may be destroyed pursuant to this section seven years after dismissal. Case files of civil actions for tortious injury to the person or for wrongful death, which have not been dismissed, may be destroyed 15 years after final judgment, except case files of actions involving the filing of a petition pursuant to Section 372 of the Code of Civil Procedure; provided that no such case file shall be destroyed if the action is pending or under appeal, judgment in the action has been enjoined, the time in which to enforce the judgment has been extended by court order or by operation of law, or there is pending in the action a motion filed pursuant to Section 685 of the Code of Civil Procedure.

(d) This section shall not apply to the records of probate, real property, juvenile, criminal, or adoption actions or proceedings.

SEC. 2. Section 69503.2 is added to the Government Code, to read:

69503.2. Upon receipt of a written request from a party or his attorney, the county clerk shall defer the disposal of the case file of a civil action or proceeding five years beyond the retention period specified in subdivision (c) of Section 69503.1, and during such time

shall, upon request and payment of the fee prescribed by Section 6257, provide copies of such case file.

SEC. 3. Section 69503.3 is added to the Government Code, to read:

69503.3. Records, papers, and case files which have been destroyed pursuant to Section 69503.1 may be proved by a copy thereof authenticated pursuant to the provisions of Division 11 (commencing with Section 1400) of the Evidence Code.

CHAPTER 867

An act making an appropriation to the Department of General Services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972 Filed with
Secretary of State August 14, 1972]

The people of the State of California do enact as follows:

SECTION 1. The sum of two million two hundred ten thousand dollars (\$2,210,000) is hereby appropriated from the General Fund to the Department of General Services for the purchase of the monorail system at the California Exposition and Fair and related operating equipment.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to insure delivery of operating equipment for the monorail at Cal Expo in time for the 1972 State Fair it is necessary for this act to take effect immediately.

CHAPTER 868

An act to add Section 17462 to the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 17462 is added to the Education Code, to read:

17462. Upon approval of the Board of Governors of the California

Community Colleges, an advance of apportionments from the State School Fund may be made to any community college district applying therefor for the purpose of meeting the cost of developing preliminary plans for the construction of community college facilities in the district.

The Board of Governors may approve an advance in apportionments to a district when it has first been shown to the satisfaction of the board that: (a) the district has no uncommitted funds available to meet the cost of developing preliminary plans; and (b) the inability to develop preliminary plans will delay the placing of an application for state support for construction, and the ultimate completion of the community college facility.

The Controller shall withhold from apportionments from the State School Fund to the district receiving an advance apportionment, one-third of the amount advanced, in each of the three subsequent fiscal years, plus interest as determined by the Director of Finance.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit funds for preliminary planning to be made available at the earliest possible time to community college districts so that they may develop preliminary plans for construction projects in time to meet state budget schedules and in anticipation of the passage of the bond act at the November election, it is necessary that this act take effect immediately.

CHAPTER 869

An act relating to the California State University and Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, the Trustees of the California State University and Colleges, with the prior approval of the Department of Finance, may authorize such changes in the allocation of funds provided for in Item 291 of the Budget Act of 1972 as are necessary to in part implement the provisions of Chapter 1164 of the Statutes of 1971 relating to a pilot management, planning, and budgeting system at selected campuses of the California State University and Colleges by implementing a single pilot management, planning, and budgeting system at one selected campus; provided, that prior to granting such authorization, the Director of Finance notifies the Joint Legislative Budget

Committee of his intention and secures the committee's approval of such change.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to implement a single pilot management, planning, and budgeting system at one selected state college or university beginning with the 1972-1973 fiscal year, as required by Chapter 1164 of the Statutes of 1971, it is necessary that sufficient funds be made available therefor. Authority to use funds for the pilot program were inadvertently left out of the Budget Act of 1972 and it is, therefore, necessary that this act take immediate effect.

CHAPTER 870

An act to amend Sections 7332.5 and 7393.3 of the Business and Professions Code, relating to cosmetology and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972 Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7332.5 of the Business and Professions Code is amended to read:

7332.5. The board shall admit to examination for a certificate of registration and license as a cosmetology instructor any person who has made application to the board in proper form, has paid the fee required by this chapter, and is qualified as follows:

(a) Has had at least 600 hours of teacher training in an approved school in this state or equivalent training in another state, and one year practical experience within the past three years in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment in this state or equivalent experience in another state.

(b) Is of good moral character and temperate habits.

(c) Holds a valid California license as a cosmetologist.

An applicant shall submit an affidavit signed by his employers attesting to his experience.

The board shall admit to the examination any applicant who has applied in proper form, has paid the required fee, is qualified pursuant to subdivisions (b) and (c) of this section, and prior to the effective date of the amendments made to this section by the 1971 Regular Session of the Legislature had at least 600 hours of teacher training in an approved school in this state or equivalent training in another state, or one year of practical experience in all branches of

cosmetology, except the branch of electrology, in a licensed cosmetological establishment in this state or equivalent experience in another state.

SEC. 2. Section 7393.3 of the Business and Professions Code is amended to read:

7393.3. (a) No applicant shall be granted a license to operate a school of cosmetology unless he first presents to the board evidence that at least 25 persons are enrolled as bona fide, full-time students for a course of training of the minimum number of hours required by this chapter for licensing as a cosmetologist.

(b) For purposes of this section, a person enrolled as a bona fide, full-time student is a person who has been entered on the roll of a proposed school of cosmetology which has met the requirements prescribed by the board, and who verifies that he will become a bona fide student by having committed himself by contract to attend a full course in cosmetology.

(c) No contract referred to in subdivision (b) shall bind the prospective student if the proposed school of cosmetology does not begin instruction within 90 days after the contract is entered into.

(d) Such students shall not have been enrolled in a school of cosmetology within one year immediately preceding the date of application for enrollment.

(e) This section shall not apply to a transfer of an existing school license from premises to new premises, or a transfer of an existing school to a new owner or ownership.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Immediate protection proposed by this act is required for prospective students of proposed schools of cosmetology to insure the completion of the students' education. Further, persons eligible to take the examination as a cosmetology instructor pursuant to Section 7332.5 of the Business and Professions Code prior to the effective date of amendments to that section made by Chapter 490 of the Statutes of 1971 were rendered ineligible thereby, working a hardship on such persons. For such reasons, this act should take effect immediately.

CHAPTER 871

An act to add Section 25984.4 to the Health and Safety Code, relating to dogs.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25984.4 is added to the Health and Safety Code, to read:

25984.4. (a) No person shall take a sentry dog or a tracker or attack dog into, or keep a sentry dog or a tracker or attack dog in, any portion of any business establishment which is open to the general public, unless any such dog is accompanied or kept by a dog handler.

(b) No person shall keep any sentry dog or tracker or attack dog in any business establishment or any other place open to the general public at any time unless there is posted at every entrance of such business establishment or place a sign of sufficient size and design to warn persons that such a dog is used at such business establishment or place.

(c) This section does not apply to dogs used and accompanied by peace officers or uniformed employees of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while such employees are acting within the course and scope of their employment as private patrolmen.

(d) This section does not apply to any dog handler or his dog while training the dog or another dog handler.

CHAPTER 872

An act to add Section 25514.1 to the Education Code, relating to regional occupational centers.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25514.1 is added to the Education Code, to read:

25514.1. Notwithstanding any provision of this code to the contrary, in any county with population of 75,000 or less, the county superintendent of schools and the governing board of a community college district, in such counties, may enter into a contract, subject

to the approval of the Superintendent of Public Instruction, for the education of community college students in vocational educational classes to be conducted for such students in the regional occupational program operated by the county superintendent of schools. The average daily attendance of community college students enrolled in such classes under the provisions of this section shall be credited to the regional occupational program at the level for all other students in the regional occupational program and community college credit may be granted students who satisfactorily complete the course of instruction in such classes.

CHAPTER 873

An act to amend Section 1703 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1703 of the Education Code is amended to read:

1703. In any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts, the changes shall be effective on the date the action is completed for the purposes set forth below:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing board.

(c) The preparation and submission of the school district budgets.

(d) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.

(e) The election or appointment of employees for the ensuing school year.

(f) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and state school building aid.

(g) The expenditure of funds available to the district.

(h) The exercise by the governing board of the school district of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(i) The receipt and expenditure of funds transferred pursuant to Section 21054.

(j) The issuing and selling of bonds.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit school districts which conducted successful unification elections in June 1972, and for which bonds have been authorized, to begin the sale of such bonds and so facilitate the orderly financing of such districts at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 874

An act to add Section 132a to, and to repeal Section 132a of, the Labor Code, relating to labor.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 132a is added to the Labor Code, to read:

132a. It is the declared policy of this state that there should not be discrimination against workers who are injured in the course and scope of their employment.

Any employer who discharges, or threatens to discharge, or in any manner discriminates against any employee because the latter has filed or made known his intention to file an application with the appeals board, or because the employee has received a rating, award or settlement, or, because the employee testified or made known his intentions to testify in any matter relating to the appeals board, is guilty of a misdemeanor and subject to the provisions of Section 4553.

Any insurance carrier who advises, directs, or threatens an insured under penalty of cancellation or a raise in premium or for any other reason, to discharge an employee because the latter has filed or made known his intention to file an application with the appeals board, or because the employee has received a rating, award, or settlement, is guilty of a misdemeanor and subject to the provisions of Section 4553.

Proceedings under this section for increased compensation as provided in Section 4553 are to be instituted by filing an appropriate petition with the appeals board, but such proceedings may not be commenced more than one year from the discriminatory act or date of termination of the employee. The appeals board is vested with full power, authority, and jurisdiction to try and determine finally all the matters specified in this section subject only to judicial review.

SEC. 2. Section 132a of the Labor Code is repealed.

CHAPTER 875

An act to add Sections 18685 and 18754 to the Business and Professions Code, relating to professional boxing.

[Approved by Governor August 14, 1972 Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18685 is added to the Business and Professions Code, to read:

18685. (a) No person shall conduct or operate a professional boxers' training gymnasium unless he has a license issued by the commission under this chapter.

(b) Any application to conduct or operate a professional boxers' gymnasium shall contain a recital of facts showing compliance with this chapter and, in addition thereto, such other facts and recitals as the commission may by rule require.

(c) The commission shall fix a fee, not to exceed seventy-five dollars (\$75) per year, for such a license.

(d) This section shall not apply to a training camp established by a professional boxer for his sole use.

(e) As used in this chapter:

(1) A "professional boxers' training gymnasium" means a gymnasium, the principal business of which is the providing of training facilities for professional boxers, and in which either or both of the following occur:

(A) A fee is charged to professional boxers for the use of the gymnasium facilities.

(B) A fee is charged to persons who view the training of professional boxers.

(2) "Principal business" means the use of the gymnasium for the providing of training facilities for professional boxers which either accounts for more than 50 percent of the annual gross income of the gymnasium or accounts for more than 50 percent of its total use.

SEC. 2. Section 18754 is added to the Business and Professions Code, to read:

18754. (a) No professional boxer licensed under this chapter shall spar for training purposes with any person not licensed as a professional boxer or who does not have a valid permit as a training sparrer, nor shall any person licensed under this chapter conduct, hold, or permit any such sparring.

(b) The commission shall issue, without fee, a permit to spar with professional boxers as a training sparrer. Such a permit shall be issued only to persons who meet the standards of medical health and physical condition required for a license as a professional boxer.

CHAPTER 876

An act to amend Section 25505.8 of the Education Code, and to amend Section 22840 of the Education Code, as proposed by Assembly Bill No. 666, relating to community colleges.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 22840 of the Education Code, as proposed by Assembly Bill No. 666, is amended to read:

22840. A student classified as a nonresident shall be required, except as otherwise provided in this chapter, to pay, in addition to other fees required by the institution, nonresident tuition.

SEC. 2. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

Each governing board shall compute the amount per pupil enrolled in the district.

The amount per pupil enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students

attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 3. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less and (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regards to all nonresidents described in (a) and (b), and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

Each governing board shall compute the amount per pupil enrolled in the district.

The amount per pupil enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students

attending any summer sessions maintained by the community college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 666 are both chaptered and amend Section 25505.8 of the Education Code, and this bill is chaptered after Assembly Bill No. 666, that the amendments to Section 25505.8 proposed by both bills be given effect and incorporated in Section 25505.8 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 666 are both chaptered, both amend Section 25505.8, and Assembly Bill No. 666 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 877

An act to amend Section 6369 of, and to add Section 6374 to, the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.

[Approved by Governor August 14, 1972 Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6369 of the Revenue and Taxation Code is amended to read:

6369. (a) There are exempted from the taxes imposed by this part the gross receipts from the sale, and the storage, use, or other consumption, in this state of medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed on prescription filled by a registered pharmacist in accordance with law, or

(2) Furnished by a licensed physician and surgeon, dentist, or

podiatrist to his own patient for treatment of the patient, or

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician and surgeon, dentist, or podiatrist, or

(4) Sold to a licensed physician and surgeon, podiatrist, dentist, or hospital for the treatment of a human being.

(5) Sold to this state or any political subdivision or municipal corporation thereof, for use in the treatment of a human being; or furnished for the treatment of a human being by a medical facility or clinic maintained by this state or any political subdivision or municipal corporation thereof.

(b) "Medicines" as used in this section mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use; provided that "medicines" do not include (1) any auditory, prosthetic, ophthalmic or ocular device or appliance, (2) articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices, or other mechanical, electronic, optical or physical equipment or article or the component parts and accessories thereof, (3) any alcoholic beverage the manufacture, sale, purchase, possession or transportation of which is licensed and regulated by the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code).

(c) Notwithstanding subdivision (b), "medicines" as used in this section mean and include sutures, whether or not permanently implanted, bone screws, bone pins, pacemakers, and other articles, other than dentures, permanently implanted in the human body to assist the functioning of any natural organ, artery, vein, or limb and which remain or dissolve in the body, and artificial limbs, or their replacement parts, for human beings.

(d) "Hospital" as used in this section has the meaning ascribed to it in Section 1401 of the Health and Safety Code.

(e) Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this section.

SEC. 2. Section 6374 is added to the Revenue and Taxation Code, to read:

6374. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage use or other consumption in this state, of meals and food products for human consumption furnished or served to low-income elderly persons at or below cost by a nonprofit organization or governmental agency under a program funded by this state or the United States for such purposes.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

However, the provisions of this act shall become operative on the first day of the first calendar quarter occurring more than 25 days after the effective date of this act.

CHAPTER 878

An act to add Sections 14092, 14093, 14094, 14094.1, 14094.2, 14095, 14096, and 14097 to, and to add Article 31 (commencing with Section 14451) to Chapter 4 of Division 10 of, and to repeal Section 14120 of, the Education Code, relating to the State Teachers' Retirement Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14092 is added to the Education Code, to read:

14092. Sections 14092 through 14099 apply to the transfer of assets as of June 30, 1972, as they relate to the Los Angeles Community College District Retirement System.

SEC. 2. Section 14093 is added to the Education Code, to read:

14093. The total market value of the State Teachers' Retirement Fund's securities shall be established as of the close of business on June 30, 1972. The accrued income on the securities at June 30, 1972, cash on hand, the investment principal in course of collection and the members contributions receivable shall be added to the total market value of securities and, after deducting interest and principal collected in advance and retirement claims payable and filed, this amount shall be divided by the total of member contribution reserves plus reserves for retirement annuities, death annuities, and survivor benefits. The quotient thus obtained, computed to eight places past the decimal, shall be divided into the total of the cash, market values of the securities in kind which are to be transferred to the State Teachers' Retirement System to enable that system to discharge the obligations for member contribution reserves plus reserves for retirement annuities, death annuities and survivor benefits being assumed by that system for the Los Angeles Community College District Retirement System in Section 14455.1, established as of the close of business on June 30, 1972, and any accrued income thereon, to provide the values of the Los Angeles Community College District's assets for transfer. To ensure uniform calculation of the reserves for retirement annuities, death annuities and survivor benefits, the reserves for both systems shall be calculated by applying the appropriate State Teachers' Retirement System's 1943 and 1962 State Teachers' Mortality Tables, 4 percent

interest attained age annuity factors to the benefits payable as of June 30, 1972.

Accrued income properly computed shall include any delinquent interest at the face rate on any item which, while in default, is guaranteed or insured by an agency of the United States government.

Values established in accordance with the above procedures shall be obtained and approved by each board, who may obtain the assistance of other parties and may, if they so desire, agree to binding valuations by a mutually agreed-upon independent party.

Either the Los Angeles Community College District or the Teachers' Retirement Board may reject specified securities for transfer and recommend alternative selections.

Selection of securities to be transferred in kind shall not be made in a manner adverse to the Teachers' Retirement Fund. While a proportionate division of each holding shall not be required, the State Teachers' Retirement System shall be entitled to a division of the city local system's securities distributed between nonconvertible fixed income investments, equities, and securities convertible into equities in proportion to the book value of these security groupings to the total value of the city local system's portfolio as of June 30, 1972. However, the Teachers' Retirement Board may reject any securities which do not qualify under its investment resolution as amended December 18, 1970.

Should the respective parties be unable to reach agreement on market value of assets by October 15, 1972, the matter shall be submitted to arbitration by an independent party who, in making his determination, shall be guided by the State Constitution, existing law, the formal investment resolution of the Teachers' Retirement Board as amended December 18, 1970, and the provisions of this article, and his decision shall be binding upon both parties to the extent that it is legal under state law. The arbitrator shall be mutually agreed upon by the respective boards. If agreement cannot be reached, the market value shall be established by a panel of three arbitrators, one appointed by the Los Angeles Community College District, one by the Teachers' Retirement Board and the third selected by mutual agreement of the first two. Decisions of the arbitration panel shall be binding upon the Los Angeles Community College District and the State Teachers' Retirement System to the extent that it is legal under state law.

SEC. 3. Section 14094 is added to the Education Code, to read:

14094. To mitigate the possibility of conflicts arising because of changing market valuations over time, the transfer shall be effected as soon as possible. To this end, a partial transfer consisting of cash and securities in kind valued at market plus accrued income equivalent to 90 percent of the estimated value of the annuity savings (active member accumulated contributions) shown on the city system's records shall be made as soon after June 30, 1972, as possible with a subsequent adjustment in its valuation amount effected as

soon as the aforementioned valuation quotient is computed. A decision as to which stocks shall be eligible for transfer must be agreed upon by both parties prior to the valuation date to avoid any possible inequity. For the total of the common and preferred stocks to be transferred, any change in the market value between the valuation date and the actual date of transfer shall bear a close relationship to the change in the Standard and Poor's Composite Stock Index of 500 companies between the same dates.

SEC. 4. Section 14094.1 is added to the Education Code, to read:

14094.1. If the Los Angeles Community College District Retirement System incurs a net realized loss from the transfer of assets at less than their book values, that loss shall be a charge against the residual funds remaining on deposit with the Los Angeles Community College District.

SEC. 5. Section 14094.2 is added to the Education Code, to read:

14094.2. The transfer of cash and securities in kind from the Los Angeles Community College District to the State Teachers' Retirement System shall be accomplished by that district delivering the cash and securities in kind at the office of the State Treasurer in Sacramento properly registered in the name of the State Teachers' Retirement System in accordance with the registration requirements of the State Teachers' Retirement System. This transfer shall be completed by June 30, 1973. Interest on the actual amount of any cash transfer shall be at the rate of 6 percent per annum from July 1, 1972, to date of the transfer. Any cash income payments or payments on securities received in the form of securities by the Los Angeles Community College District after June 30, 1972, which are properly allocable to the Teachers' Retirement Fund shall be paid to the Teachers' Retirement Fund.

SEC. 6. Section 14095 is added to the Education Code, to read:

14095. If the Los Angeles Community College District's assets contributed are recorded in the State Teachers' Retirement System's accounts at a total amount different than the total member annuity savings (active member accumulated contributions) and the present value of retired roll being financed from local system reserves transferred to the State Teachers' Retirement System, the difference shall be recorded in the State Teachers' Retirement System's account as a deferred item which is to be amortized over a 25-year period.

SEC. 7. Section 14096 is added to the Education Code, to read:

14096. All costs of the asset transfer, asset valuation, security registration, and the administrative costs in the implementation of Chapter 1305, Statutes 1971, as they relate to the local system, shall be a charge against the residual funds remaining on deposit with the Los Angeles Community College District.

SEC. 8. Section 14097 is added to the Education Code, to read:

14097. The balance of assets remaining on deposit with the Los Angeles Community College District after the transfers, deposits and payments required by this article or after establishment of reserves from which such deposits and payments shall be made, shall be held

intact by the districts until the Legislature either prior thereto or thereafter expressly authorizes the expenditure or other disposition thereof.

SEC. 9. Section 14120 of the Education Code is repealed.

SEC. 10. Article 31 (commencing with Section 14451) is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 31. Los Angeles Community College
District Retirement System

14451. Chapter 1305, Statutes 1971, modified the State Teachers' Retirement System for improving benefits for, and providing a source of financing from, teachers and school districts which did not maintain a local retirement system. These changes made it impossible to continue the prior relationship of the Los Angeles Community College District Retirement System to the State Teachers' Retirement System. To enable this local system to separately determine its future course of action, Chapter 1305, Statutes 1971, made no change in the local system other than to terminate additional subventions after June 30, 1972.

The Los Angeles Community College District may expend moneys out of the local system fund, to consummate the merger, and to create and maintain reasonable contingency reserves to insure an orderly and adequate transition fully protecting the interests of the Los Angeles Community College teachers.

14452. Notwithstanding any other provision in this code, the provisions of this article shall govern the matter contained therein.

14453. The modifications to the State Teachers' Retirement System retirement, disability and family allowances formulae contained in Chapter 1305 of the Statutes of 1971 shall not apply to the Los Angeles Community College District Retirement System, hereinafter referred to as the community college system.

14454. The members of the Los Angeles Community College District Retirement System in an election held prior to July 1, 1972, chose to be covered only by the State Teachers' Retirement System as of July 1, 1972.

Sections 14455.1 through 14661 shall apply to the merger of the Los Angeles Community College District Retirement System with the State Teachers' Retirement System.

14455.1. The subvention to the community college system shall be canceled and the retired rolls transferred to the State Teachers' Retirement System as of July 1, 1972, together with the present value of the annuity and other benefits being paid from the employer and employees' reserves in the community college system less the present value of the benefit being provided out of subventions.

14455.2. There shall be no reduction of any benefit being paid to an individual as a result of Section 14455.1.

14455.3. All service credited to the individual accounts in the community college system shall be transferred to the State Teachers'

Retirement System on the same basis as credentialed service is credited in the State Teachers' Retirement System.

14455.4. The Los Angeles Community College District shall transfer to the Teachers' Retirement Fund as of July 1, 1972:

(a) An amount equal to the contributions that would have been required had all service prior to July 1, 1972, been performed as a full-time member of the State Teachers' Retirement System plus credited interest through June 30, 1972; plus

(b) An amount equal to 8 percent of the employee compensation as provided in Section 13832 for service performed on and after July 1, 1972.

14455.5. The Los Angeles Community College District shall also deposit in the Teachers' Retirement Fund an amount equal to 3.2 percent of employee compensation as provided in Section 13832 as the employer's contribution for service performed July 1, 1972, through June 30, 1973.

14455.6. If the accumulated contributions in the person's account at the time of transfer to the State Teachers' Retirement System are not equal to those required in Section 14455.4, the difference between the amount in the account and the required amount is an unfunded liability and is the responsibility of the employer. The Los Angeles Community College District shall, at the time of the transfer of assets, provide the additional amount of accumulated contributions required to put each individual account in balance if the shortage is due to the rate of contributions which had been required by the community college system. Such amount shall be a charge against the residual funds remaining on deposit with the Los Angeles Community College District. Clerical errors in assignment of rates or errors in rates due to incorrectly reported birth dates are the responsibility of the member.

14455.7. Any funds transferred by the Board of Trustees of the Los Angeles Community College District in accordance with Section 14455.4 in addition to the accumulated contributions already in the member's account shall be deposited as employer contributions in the Teachers' Retirement Fund, and shall not be credited to the member's account and shall not be refundable.

14455.8. Persons who elected to retain the 1/70th formula when the 1/60th formula was adopted by the Los Angeles Unified School District Retirement System or the community college system are liable for the portion of contributions related to that election plus credited interest through June 30, 1972, and regular interest thereafter.

14455.9. Adjustments to accounts caused by late discovery shall be made in accordance with Sections 14455.4, 14455.5, 14455.6 and 14455.8.

14455.10. Those persons who took a refund of their contributions and interest from the Los Angeles Unified School District Retirement System or the community college system prior to July 1, 1972, and who have Permanent Fund contributions on deposit in the

State Teachers' Retirement System for such service shall have the accumulated Permanent Fund contributions on deposit in the State Teachers' Retirement System as of July 1, 1972, treated in the same manner as the Permanent Fund contributions of all nonlocal members. Upon discovery and notification to such persons, they shall:

- (a) Redeposit the contributions required with regular interest; or
- (b) Leave the Permanent Fund accumulated contributions on deposit and receive an actuarially reduced retirement allowance.

14456. The Los Angeles Community College District shall begin monthly reporting of member contributions and service with fiscal year 1972-73 for all certificated members working in the Los Angeles Community College District. The 8-percent employee and 3.2-percent employer contributions for these members shall be remitted monthly.

14457. The community college system shall submit a list of all members of that system as of June 30, 1972, who have credentialed service which would qualify for membership in the State Teachers' Retirement System. The list shall be submitted to the State Teachers' Retirement System no later than August 31, 1972.

SEC. 11. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 12. It is the intention of the Legislature that this act shall be applied retroactively to the 1972-1973 fiscal year and to this end, this act shall be operative on July 1, 1972.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are: In order to permit the orderly implementation of Chapter 1305, of the Statutes of 1971, this act must take effect immediately.

CHAPTER 879

An act to repeal and add Section 13346.40 of the Education Code, relating to school certificated employees and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13346.40 of the Education Code is repealed.

SEC. 2. Section 13346.40 is added to the Education Code, to read:

13346.40. (a) The governing board of a school district may employ temporary employees pursuant to Section 13329 and 13337.5. Substitute employees may be employed pursuant to Section 13336.

(b) For the purposes of the sections specified in subdivision (a), a "probationary employee" is a "contract employee," and a "permanent employee" is a regular employee.

(c) This section shall cease to be operative on September 1, 1974, and as of that date is repealed.

SEC. 3. Sections 1 and 2 of this act shall become operative on September 1, 1972.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to become operative on the operative date of certain provisions relating to the employment of certificated personnel by community colleges, September 1, 1972, and so effectuate the intent of the Legislature regarding the operation of certain of such provisions, it is necessary that this act take effect immediately.

CHAPTER 880

An act to add Section 33397 to the Health and Safety Code, relating to community redevelopment agencies.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 33397 is added to the Health and Safety Code, to read:

33397. (a) Any covenants, conditions, or restrictions existing on any real property within a project area prior to the time the agency acquires title to such property, which covenants, conditions, or restrictions restrict or purport to restrict the use of, or building upon, such real property, shall be void and unenforceable as to the agency and any other subsequent owners, tenants, lessees, easement holders, mortgagees, trustees, beneficiaries under a deed of trust, or any other persons or entities acquiring an interest in such real property from such time as title to the real property is acquired by an agency whether acquisition is by gift, purchase, eminent domain, or otherwise.

(b) Thirty days prior to the acquisition of real property other than by eminent domain, the agency shall provide notice of such

acquisition and the provisions of this section to holders of interests which would be made void and unenforceable pursuant to this section as follows:

(1) The agency shall publish notice once in a newspaper of general circulation in the community in which the agency is functioning.

(2) The agency shall mail notice to holders of such interests if such holders appear of record 60 days prior to the date of acquisition.

The agency may accept any release by written instrument from the holder of any such interest or may commence action to acquire such interest after the date of acquisition of the real property.

(c) This section shall not apply to covenants, conditions or restrictions imposed by a redevelopment plan or by an agency pursuant to a redevelopment plan. This section also shall not apply to covenants, conditions or restrictions where an agency in writing expressly acquires or holds property subject to such covenants, conditions, or restrictions.

This section shall not limit or preclude any rights of reversion of owners, assignees, or beneficiaries of such covenants, conditions, or restrictions limiting the use of land in gifts of land to cities, counties, or other governmental entities. This section shall not limit or preclude the rights of owners or assignees of any land benefited by any covenants, conditions, or restrictions to recover damages against the agency if under law such owner or assignee has any right to damages. No right to damages shall exist against any purchaser from the agency or his successors or assigns, or any other persons or entities.

CHAPTER 881

An act to amend Sections 21712 and 23123.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(c) Subdivisions (a) and (b) shall not apply to an employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space

intended for any load on the vehicle.

(d) No person shall drive a motor vehicle upon a highway which is towing a trailer coach or camp trailer containing any passenger.

SEC. 2. Section 23123.5 of the Vehicle Code is amended to read:

23123.5. (a) No person under the age of 21 years shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless such person is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code), and is driving the motor vehicle during regular hours and in the course of his employment.

(b) No passenger in any motor vehicle who is under the age of 21 years shall knowingly possess or have under his control any alcoholic beverage, unless such passenger is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code), and such possession or control is during regular hours and in the course of his employment.

(c) If the vehicle used in any violation of subdivision (a) or (b) is registered to such person under the age of 21 years, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days for each violation.

(d) Any such person under 21 years of age found guilty under this section shall also have his driver's license suspended for not less than 15 days nor more than 30 days.

SEC. 3. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

(c) Subdivisions (a) and (b) shall not apply to any employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(d) No person shall drive a motor vehicle which is towing a trailer coach or camp trailer containing any passenger.

(e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 495 are both chaptered and amend Section 21712 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 495, that the amendments to Section 21712 proposed by both bills be given effect and incorporated in Section 21712 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 495 are both chaptered, both amend Section 21712, and Assembly Bill No. 495 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 882

An act to amend Section 11610.5 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor August 14, 1972. Filed with Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11610.5 of the Business and Professions Code is amended to read:

11610.5. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high-water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

A governmental entity must accept such dedication within three years of the approval of the final subdivision map, after which time, unless accepted, such dedication shall be deemed abandoned.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the city or county in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the city or county shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a city or county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the city or county makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or

final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a city or county prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a city or county prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

CHAPTER 883

An act to amend Sections 4143 and 4211 of, and to add Section 4148 to, the Business and Professions Code, and to amend Section 7054.4 of the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1972. Filed with
Secretary of State August 14, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4143 of the Business and Professions Code is amended to read:

4143. (a) It is unlawful for any person to have in his possession or under his control any hypodermic needle or hypodermic syringe.

(b) The provisions of this section do not apply to persons who have acquired possession and control of a hypodermic needle or hypodermic syringe in accordance with the provisions of this code authorizing and regulating the furnishing, possession and use of such needles and syringes.

Any used hypodermic needle or hypodermic syringe which is to be disposed of shall be destroyed in such a manner as to render such unit or units unfit for reuse in any manner. Such destruction may include, but is not limited to, grinding and disposal in sewerage systems where such disposal is authorized by the appropriate agency with

jurisdiction over such sewerage system.

SEC. 2. Section 4148 is added to the Business and Professions Code, to read:

4148. The provisions of Sections 4141 and 4147 shall not apply to the furnishing or obtaining of hypodermic syringes or hypodermic needles for uses which the board determines are industrial. Notwithstanding any other provision of law, a person may obtain hypodermic syringes or needles, without prescription or permit, for such industrial uses.

SEC. 3. Section 4211 of the Business and Professions Code is amended to read:

4211. "Dangerous drug" means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) Phenylhydantoin derivatives.

(k) Any drug or device which bears the legend: "Caution: federal law prohibits dispensing without prescription."

(l) Hypnotic drugs when combined and compounded with nonhypnotic drugs.

(m) Any narcotic antagonist drug which has been found by the federal government to have currently accepted medical use in treatment in the United States and to have no potential for abuse or abuse liability.

SEC. 4. Section 7054.4 of the Health and Safety Code is amended to read:

7054.4. Notwithstanding any other provision of law, recognizable anatomical parts, human tissues, anatomical human remains, or

infectious waste following conclusion of scientific use shall be disposed of by interment, incineration, or any other method determined by the state department to protect the public health and safety.

As used in this section, "infectious waste" means any material or article which has been, or may have been, exposed to contagious or infectious disease.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is some question as to whether or not local authorities may authorize the destruction of hypodermic needles and syringes by grinding and disposal in the local sewerage system. This act will clear up any such question and will prevent many hypodermic syringes and needles from being used or reused in an unauthorized manner.

The limitation of disposal of anatomical parts, human tissues, or anatomical human remains to interment or incineration has created a hardship in some areas. The hardship created by such limitation, which needs immediate attention, will be cured by allowing other methods of disposal under standards adopted pursuant to this act which will protect the public health. There is also an urgent need for the protection of the public health to provide for a determination of the allowable methods of disposal of infectious waste.

The application of the provisions of Sections 4141 and 4147 of the Business and Professions Code has created an undue and unnecessary hardship on persons using hypodermic syringes for industrial purposes. This act would eliminate this hardship by allowing the furnishing and obtaining of hypodermic syringes and needles, for uses which the State Board of Pharmacy determines are industrial, without requirement of a permit from the board, recordation of such furnishing, or other restrictions on furnishing and obtaining of hypodermic syringes or needles.

In order to solve these questions and eliminate these hardships without delay it is imperative that this act take effect immediately.

There is some question as to the status of narcotic antagonist drugs which requires immediate clarification. Such drugs are used in testing to determine if a person has been using certain narcotics and should be available by prescription so that qualified persons may administer such tests.

CHAPTER 884

An act to amend Section 10652 of the Education Code and to amend Sections 890, 891, and 896.1 of, to add Sections 896.3 and 896.4 to, the Military and Veterans Code, relating to tuition.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10652 of the Education Code is amended to read:

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the California Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed five thousand dollars (\$5,000). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to schools under the jurisdiction of the Department of Education or the Director of Education or to a state college under the jurisdiction of the Trustees of the California State Colleges.

This section shall not apply to a dependent of a veteran within the meaning of paragraph (4) of subdivision (a) of Section 890 of the Military and Veterans Code.

SEC. 2. Section 890 of the Military and Veterans Code is amended to read:

890. As used in this article:

(a) "Veterans" means (1) any person who served in the Army, Navy, or Marine Corps of the United States and was killed in action or died as a result of war service in the World War since April 6, 1917; (2) any member of the Army, Navy, Coast Guard or Marine Corps of the United States, or any of their auxiliaries who was killed in action in World War II on or after December 7, 1941, and prior to January 1, 1947, or who died at any time as a result of war service during such period; (3) any member of the armed forces of the United States who was killed in action during any period of hostilities in which the United States is engaged, or who died or was totally disabled at any time as a result of active service during any such period or during the induction period; or (4) any person who, at the time of entry into the armed forces of the United States was a resident of this state and was subsequently declared by the United States government to be missing in action, captured in the line of

duty by hostile forces, or forcibly detained or interned in the line of duty by a foreign government or power.

(b) "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran as defined by the U.S. Veterans Administration for compensation purposes, the unmarried widow of a veteran, or the wife of a totally disabled veteran.

(c) "Induction period" means (1) the period beginning September 16, 1940, and ending December 6, 1941, and the period beginning January 1, 1947, and ending June 26, 1950, and (2) the period beginning on February 1, 1955, and ending on the day before the first day thereafter on which individuals (other than individuals liable for induction by reason of a prior deferment) are no longer liable for induction for training and service into the armed forces under the Universal Military Training and Service Act.

SEC. 3. Section 891 of the Military and Veterans Code is amended to read:

891. A dependent of a veteran applying for aid under the provisions of this article shall be over 14 or shall have entered the ninth grade, and shall be a native of or shall have lived in this state for five of the nine years immediately preceding the date upon which the application is filed. Any dependent of a veteran, except a dependent widow of a veteran, who has attained eligibility, pursuant to this article while under 21 years of age may continue to receive the benefits of this article until the needed training is completed or until he attains the age of 27 years, whichever first occurs, except that a dependent who has honorably served in the armed forces of the United States may be granted an extension of training through age 30.

A dependent widow of a veteran shall be limited to not more than 48 months or the equivalent thereof in part-time training.

This section shall not apply to the dependent of a veteran as defined in paragraph (4) of subdivision (a) of Section 890.

SEC. 4. Section 896.1 of the Military and Veterans Code is amended to read:

896.1. No dependent of a veteran, as defined in paragraph (1), (2) or (3) of subdivision (a) of Section 890, shall be eligible to receive the benefits of this article during the time that he is entitled to receive federal educational benefits under Chapter 35, Title 38, United States Code, as amended, or duplicate assistance from any other government source.

SEC. 5. Section 896.3 is added to the Military and Veterans Code, to read:

896.3. Upon application to the department by a dependent of a veteran as defined in paragraph (4) of subdivision (a) of Section 890, the department shall reimburse such person for the costs of tuition and fees incurred by such person at a public or private educational institution in the amount provided for in Section 895.

SEC. 6. Section 896.4 is added to the Military and Veterans Code, to read:

896.4. Any person who is reimbursed by the department for tuition and fees or on whose account the department has paid tuition and fees, shall not at the same time be eligible for any other allowances provided for in this article if, at such time, such person is also therefor entitled to receive educational assistance under Chapter 35, Title 38, United States Code, as amended, or duplicate assistance from any other government source.

CHAPTER 885

An act to add Section 11111 to the Penal Code, and to add Division 16.7 (commencing with Section 39000) to the Vehicle Code, relating to the licensing of bicycles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Division 16.7 (commencing with Section 39000) is added to the Vehicle Code, to read:

DIVISION 16.7. LICENSING OF BICYCLES

39000. (a) If a city or county has or adopts a bicycle licensing ordinance or resolution, no resident shall operate a bicycle on any street, road, highway, or other public property within the jurisdiction unless such bicycle is licensed in accordance with this division.

(b) Licenses and registration forms shall be approved by the Department of Justice.

39001. Each local authority which licenses bicycles shall provide for the licensing pursuant to this division and any rules and regulations adopted thereunder.

39002. If a city or county has or adopts a bicycle licensing ordinance or resolution, licenses shall be issued by the city or county in which the applicant resides. Cities and counties by ordinance or resolution may set license fees, and shall adopt regulations necessary to enforce this division.

Each licensing agency shall maintain records which shall include: license number; name of licensee, address of licensee; serial number of bicycle; make of bicycle; type of bicycle; and model of bicycle.

After December 31, 1973, no license may be issued for any bicycle not in conformance with Section 39005.

39003. Funds derived from bicycle license fees shall be retained by the licensing city or county and used to implement and improve bicycle registration and safety programs in its jurisdiction, except

that revenues which, prior to the effective date of this division, were used for other purposes may continue to be used for the same purposes.

39004. Each bicycle retailer shall supply to each purchaser a record of the following information: name of retailer, address of retailer, year and make of bicycle, serial number of bicycle, general description of bicycle, name of purchaser, and address of purchaser.

If a city or county has adopted a bicycle licensing ordinance or resolution, a copy of the record shall be forwarded to the appropriate licensing agency.

39005. After December 31, 1973, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each brand pursuant to the regulations adopted under this division.

39006. Bicycles with wheels which are at least 20 inches in diameter and with a frame size of at least 14 inches shall be subject to this division.

39007. The Department of Justice shall adopt regulations for the administration and implementation of this division. Such regulations shall be adopted after consultation with local authorities, bicycle manufacturers and retailers, and bicyclists' organizations.

39008. Any violation of this division shall be deemed an infraction.

SEC. 2. Section 11111 is added to the Penal Code, to read:

11111. The Department of Justice shall maintain records relative to stolen and lost bicycles in the Criminal Justice Information System. Such records shall be accessible to authorized law enforcement agencies through the California Law Enforcement Telecommunications System.

The department shall impose annual fees on cities and counties which have adopted bicycle licensing ordinances or resolutions in such amount as are necessary to finance the operation and maintenance of that portion of the Criminal Justice Information System devoted to the records relative to stolen and lost bicycles. The annual fee imposed by the department on a city or a county shall be paid by the city or county from the fees collected under its adopted bicycle licensing ordinance or resolution, and shall not exceed 20 cents (\$.20) per bicycle licensed under the ordinance or resolution.

SEC. 3. The Department of Justice shall conduct a comparative study to evaluate the following:

(a) The records of stolen and lost bicycles specified in Section 11111 of the Penal Code.

(b) The need to establish mandatory statewide registration and licensing with the related activities performed by: (1) the state; (2) local governments; (3) dealers; or (4) others.

(c) The need for a statewide automated registration file or alternatives thereto.

In carrying out the study, the Department of Justice shall seek the advice and assistance of local authorities, bicycle manufacturers and retailers, and bicyclists' organizations.

A progress study report shall be submitted to the Legislature by February 1, 1974.

SEC. 3.5. The Department of Justice is directed to make all necessary efforts to obtain federal and private funds for the purposes of carrying out its responsibilities under this act and is authorized, with the approval of the Department of Finance, to receive any grants or gifts for such purposes.

SEC. 4. There is hereby appropriated from the General Fund to the Department of Justice the sum of one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary, to be expended for the purposes of this act.

Any amounts expended under this appropriation shall be reimbursed to the extent that federal and private grants are, or may become, available for carrying out the purposes of this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are 1,100 bicycles stolen daily in California, at an annual cost to California families in excess of twenty million dollars (\$20,000,000). Further, the incidence of the theft of bicycles is increasing. In order to deter such theft by means of a comprehensive bicycle licensing plan at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 886

An act to amend Sections 888 and 1825 of, and to add Section 888.5 to, the Welfare and Institutions Code, relating to the Department of Youth Authority.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 888 of the Welfare and Institutions Code is amended to read:

888. Any county establishing such juvenile home, ranch, or camp under the provisions of this article may, by mutual agreement, accept children committed to such home, ranch, or camp by the juvenile court of another county in the state and the state shall reimburse the county maintaining the home, ranch, or camp to the amount of one-half of the cost of maintaining each child so committed. Payments received for the care of children from another

county by a county operating a facility shall not be considered as a subvention to the county operating the facility for the purposes of determining the amount of state reimbursement. Two or more counties may, by mutual agreement, establish such juvenile homes or camps, and the rights granted and duties imposed by this article shall devolve upon such counties acting jointly. The provisions of this article shall not apply to any juvenile hall.

SEC. 2. Section 888.5 is added to the Welfare and Institutions Code, to read:

888.5. Notwithstanding the provisions of Sections 887 and 888, when a county that has not established a juvenile home, ranch or camp uses funds obtained under Section 1825 to pay for a juvenile home, ranch or camp placement in another county, such other county shall not receive any state reimbursement pursuant to Sections 887 and 888 for such placements.

SEC. 3. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the

population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49 100,000	50-59 100,000	60-69 100,000	70-79 100,000	80-89 100,000	90-100 100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760

23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 4. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate for those counties not utilizing Section 1825.7 is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the

Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49 100,000	50-59 100,000	60-69 100,000	70-79 100,000	80-89 100,000	90-100 100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount

computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 5. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per

100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table, beginning with the 1973-1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustments shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), a sum of two million dollars (\$2,000,000) is hereby appropriated for the 1972-1973 fiscal year. This sum shall be distributed by the Director of the Youth Authority through the allocation to each participating county of an amount not to exceed 10 percent of the counties' earnings generated in the 1971-1972 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of this article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

In addition, one hundred fifty thousand dollars (\$150,000) is hereby appropriated for the 1972-1973 fiscal year to reimburse each participating county for carrying out program evaluation studies specified by the Director of the Youth Authority. Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1974.

(k) A review of this article shall be made by the Director of the Youth Authority and a report made to the 1974 Legislature by the fifth day of the 1974 Regular Legislative Session.

SEC. 6. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate for those counties not utilizing Section 1825.7 is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and

multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table, beginning with the 1973-1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustment shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49 100,000	50-59 100,000	60-69 100,000	70-79 100,000	80-89 100,000	90-100 100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), a sum of two million dollars (\$2,000,000) is hereby appropriated for the 1972-1973 fiscal year. This sum shall be distributed by the Director of the Youth Authority through the

allocation to each participating county of an amount not to exceed 10 percent of the counties' earnings generated in the 1971-1972 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of this article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

In addition, one hundred fifty thousand dollars (\$150,000) is hereby appropriated for the 1972-1973 fiscal year to reimburse each participating county for carrying out program evaluation studies specified by the Director of the Youth Authority. Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1974.

(k) A review of this article shall be made by the Director of the Youth Authority and a report made to the 1974 Legislature by the fifth day of the 1974 Regular Legislative Session.

SEC. 7. It is the intent of the Legislature that if this bill and Senate Bill No. 549 or Assembly Bill No. 368, or both, are chaptered and amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 549 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Assembly Bill No. 368 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 549, the amendments proposed by both bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 4 of this act. Therefore, if Senate Bill No. 549 is chaptered before this bill and both bills amend Section 1825, and Assembly Bill No. 368 is not chaptered or as chaptered does not amend that section, Section 4 of this act shall be operative and Sections 3, 5, and 6 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 368 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Senate Bill No. 549 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 368, the amendments proposed by both bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 5 of this act. Therefore, if Assembly Bill No. 368 is chaptered before this bill and both bills amend Section 1825, and Senate Bill No. 549 is not chaptered or as chaptered does not amend that section, Section 5

shall be operative and Sections 3, 4, and 6 of this act shall not become operative.

(c) If this bill and Senate Bill No. 549 and Assembly Bill No. 368 are all chaptered, and all three bills amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 549 and Assembly Bill No. 368, the amendments proposed by all three bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 6 of this act. Therefore, if Senate Bill No. 549 and Assembly Bill No. 368 are both chaptered before this bill and all three bills amend Section 1825 of the Welfare and Institutions Code, Section 6 of this act shall be operative and Sections 3, 4 and 5 of this act shall not become operative.

CHAPTER 887

An act to add Sections 597u, 597v, 597w, 597x, 597y, and 597z to the Penal Code, relating to animals.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 597u is added to the Penal Code, to read:

597u. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any dog or cat by the use of carbon monoxide gas unless all of the following are satisfied:

(a) The carbon monoxide gas chamber is equipped with internal lighting and viewport providing direct visual surveillance of the collapse and death of any dog or cat within the chamber.

(b) The gas generation process is adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least 5 percent within 20 minutes after any dog or cat is placed in the chamber.

(c) If chemical generation through the use of sodium formate and sulfuric acid is used, the generated carbon monoxide gas has the irritating acid vapors filtered out by passing it through a 10 percent solution of sodium hydroxide prior to its entry into the carbon monoxide gas chamber.

(d) If carbon monoxide gas generation is by combustion of gasoline in an engine, all of the following shall be satisfied:

(1) The engine is maintained in good operating condition.

(2) The engine is operated only at idling speed with the richest fuel-air mixture the choke permits.

(3) Prior to entry into the chamber, the exhaust gas is cooled so that it does not exceed 125° Fahrenheit.

(4) The chamber is equipped with accurate temperature gauges

monitored by attendants to assure that internal temperature of the chamber does not exceed 110° Fahrenheit.

(5) Prior to its entry into the lethal chamber the exhaust gas is first passed through an adequate water filtration process and subsequently through a cloth filtration process to remove irritants and carbon particles.

(6) The noise level from the engine shall not exceed 70 dBA when measured within the chamber.

(7) A flexible tubing or pipe at least 24 inches in length shall be placed between the chamber and the engine to minimize vibrations.

(e) Any dog or cat not covered by Section 597v is placed in an individual container or compartment of the carbon monoxide chamber, except dogs or cats from the same litter and their parents may be placed in the same container or compartment.

(f) The carbon monoxide gas chamber and its compartments shall be cleaned thoroughly after every cycle of operation.

SEC. 2. Section 597v is added to the Penal Code, to read:

597v. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any newborn dog or cat whose eyes have not yet opened by any other method than by the use of chloroform vapor or gas or by inoculation of barbiturates or by use of a high-altitude decompression chamber at a simulated altitude of 60,000 feet for a minimum of 30 minutes.

SEC. 3. Section 597w is added to the Penal Code, to read:

597w. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any dog or cat by the use of any high-altitude decompression chamber unless all of the following are satisfied:

(a) The high-altitude decompression chamber shall be equipped with internal lighting and viewport providing direct visual surveillance of the collapse and death of any cat or dog within the chamber.

(b) The high-altitude decompression chamber's operating pump shall be located in a room separate from the chamber, outside the building in which the chamber is housed, or be installed in a soundproof enclosure within the same room.

(c) Each high-altitude decompression chamber shall have at least a 24-inch-in-length flexible tubing or pipe between the chamber and the compressor to minimize vibrations.

(d) The high-altitude decompression chamber and its compartments shall be thoroughly cleaned after every cycle of operation.

(e) Any dog or cat not covered by Section 597v shall be placed in an individual container or compartment of the high-altitude chamber, except dogs or cats from the same litter and their parents may be placed in the same container or compartment.

(f) The high-altitude decompression chamber shall reach a simulated altitude of 53,000 to 55,000 feet within one minute but no

less than 40 seconds after the beginning of its cycle of operation, and the dogs or cats shall be left within the chamber for a minimum of 20 minutes.

SEC. 4. Section 597x is added to the Penal Code, to read:

597x. The County Sealer of Weights and Measures shall semiannually inspect all carbon monoxide and high altitude decompression chambers used to kill dogs or cats, or both, pursuant to Sections 597u and 597w.

SEC. 5. Section 597y is added to the Penal Code, to read:

597y. Any violation of Sections 597u, 597v or 597w shall be considered to be cruelly killing an animal within the meaning of Section 597.

SEC. 6. Section 597z is added to the Penal Code, to read:

597z. A humane officer appointed under Section 607f of the Civil Code may enter any facility utilizing a high-altitude decompression or carbon monoxide chamber for the purpose of inspecting the operation of such facility to determine whether there is compliance with Sections 597u, 597v, and 597w.

CHAPTER 888

An act to amend Section 1010 of the Evidence Code, relating to privileges.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1010 of the Evidence Code is amended to read:

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry;

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code;

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 9040) of Chapter 17 of Division 3 of the Business and Professions Code, when he is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing such service issued by the state.

(e) A person licensed as a marriage, family and child counselor under Chapter 4 (commencing with Section 17800) of Part 3, Division 5 of the Business and Professions Code.

CHAPTER 889

An act to amend Section 17804 of the Business and Professions Code, relating to marriage, family and child counselors.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17804 of the Business and Professions Code is amended to read:

17804. To qualify for a license an applicant shall have all the following qualifications:

(a) (1) At least a master's degree in marriage counseling, in social work, or in one of the behavioral sciences, including, but not limited to, sociology or psychology, obtained from a college or university accredited by the Western College Association, the Northwest Association of Secondary and Higher Schools, or an essentially equivalent accrediting agency as determined by the board.

(2) After September 1, 1975, an applicant shall have at least a master's degree in marriage, family and child counseling, or its equivalent, obtained from a school, college or university accredited by any of the above listed accrediting associations or agencies. Equivalent degrees include, but are not limited to, the master's degree in social work, and the master's degree in child development and family studies.

(b) At least two years' experience, of a character approved by the board, under the direction of a person who holds the marriage, family and child counseling license or at least two years' experience of a type which in the discretion of the board is equivalent to that obtained under the direction of such a person.

(c) Must be at least 18 years of age.

CHAPTER 890

An act to amend Section 6322.1 of the Business and Professions Code, relating to law libraries.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6322.1 of the Business and Professions Code is amended to read:

6322.1. (a) Except in counties containing a population of 4,000,000 and over, the board of supervisors of any county may increase the costs provided in Sections 6321 and 6322 to not more

than seven dollars (\$7) for each event there described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(b) In counties containing a population of 4,000,000 and over, the board of law library trustees may increase the costs provided in Section 6321 and 6322 to not more than five dollars (\$5) for each event therein described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

CHAPTER 891

An act to amend Section 1241 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1241 of the Business and Professions Code is amended to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections. The provisions of this subdivision shall be operative until January 1, 1973, and shall have no force or effect after that date.

(e) The California Youth Authority.

(f) A nonprofit corporation or association, which contracts with or employs individual licensed physicians and surgeons to render medical care and the operations of which are directly funded at least 80 percent by the United States government, for laboratory work performed on the patients of such physicians and surgeons and under the supervision of such physicians and surgeons. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

SEC. 2. Section 1241 of the Business and Professions Code is amended to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections.

(e) The California Youth Authority.

(f) A nonprofit corporation or association, which contracts with or employs individual licensed physicians and surgeons to render medical care and the operations of which are directly funded at least 80 percent by the United States government, for laboratory work performed on the patients of such physicians and surgeons and under the supervision of such physicians and surgeons. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2214 are both chaptered and amend Section 1241 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 2214, that the amendments to Section 1241 proposed by both bills be given effect and incorporated in Section 1241 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 2214 are both chaptered, both amend Section 1241, and Assembly Bill No. 2214 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 892

*An act relating to the Workmen's Compensation Appeals Board,
and making an appropriation therefor.*

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Workmen's Compensation Appeals Board, the sum of five hundred thousand dollars (\$500,000), to be used by the appeals board to employ 10 additional referees, 10 additional court reporters,

10 additional legal secretaries, and 10 additional clerks over those positions provided in the Budget Act in 1972.

CHAPTER 893

An act to add and repeal Section 904.7 of the Penal Code, relating to grand juries.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 904.7 is added to the Penal Code, to read: 904.7. In any county having a population of more than 376,000 but less than 413,000, as determined by the 1970 federal census, the presiding judge of the superior court, upon his own motion, or upon application by either the Attorney General or district attorney setting forth the need for one additional grand jury and after a finding by the court upon such application, for good cause shown, that the existing grand jury is unable for any reason to inquire into matters which are subject to grand jury inquiry, may order and direct the drawing and impanelment at any time of one additional grand jury. Any such additional grand jury may serve for a period of one year from the date of impanelment, but may be discharged at any time within such period by order of the presiding judge.

Upon the impanelment of such additional grand jury and during the term of its existence, the original grand jury shall retain exclusive jurisdiction to inquire into all public offenses, and the additional grand jury shall have exclusive jurisdiction over all matters within grand jury jurisdiction under the law, except the inquiry into public offenses and the presentation of indictments.

Upon the discharge of such additional grand jury, the original grand jury shall regain entire jurisdiction over all matters of grand jury responsibility.

The provisions of this section shall remain in effect only until January 1, 1976, at which time this section is repealed.

CHAPTER 894

An act to add Section 9201.2 to the Corporations Code, relating to prepaid legal services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9201.2 is added to the Corporations Code, to read:

9201.2. Nonprofit corporations may be formed under this part for the purposes of administering a system or systems of defraying the cost of professional services of attorneys, but any such corporation may not engage directly or indirectly in the performance of the corporate purposes or objects unless all of the following requirements are met:

(a) The attorneys furnishing professional services pursuant to such system or systems are acting in compliance with the Rules of Professional Conduct of the State Bar of California concerning such system or systems.

(b) Membership in the corporation and an opportunity to render professional services upon a uniform basis are available to all active members of the State Bar.

(c) Voting by proxy and cumulative voting are prohibited.

(d) A certificate is issued to the corporation by the State Bar of California, finding compliance with the requirements of subdivisions (a), (b) and (c).

Any such nonprofit corporation shall be subject to supervision by the State Bar of California and shall also be subject to Section 9505.

SEC. 1.5. It is the intent of the Legislature that nothing in this act shall be construed to prohibit the formation and conduct of any group, prepaid, or other legal service arrangement organized as an unincorporated association or pursuant to the General Nonprofit Corporation Law which arrangements need not comply with Section 1 of this act provided, however, that attorneys furnishing legal services thereunder are acting in compliance with the Rules of Professional Conduct of the State Bar of California concerning such arrangements.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

(a) There is a substantial immediate need among people in the State of California for assistance in the financial aspects of obtaining legal services which they want or which could be of significant benefit to them.

(b) There is substantial immediate need to educate the people of

the State of California to understand how the law is responsive to their needs, works to the general good and protects the rights of all.

(c) Existing mechanisms which purport to meet those needs have not done so and are unlikely to do so in the near future for a significant number of people and in a manner which is consistent with the best interest of the public.

(d) This act will provide a mechanism for meeting those needs and thus promote social welfare.

(e) In order to secure maximum implementation of the needed mechanism, to educate the public and to satisfy immediate demands for legal services it is necessary that this act go into effect at the earliest possible time.

CHAPTER 895

An act to amend Section 10489.2 of, and to add Section 10489.7 to, the Insurance Code, relating to life insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10489.2 of the Insurance Code is amended to read:

10489.2. Except as otherwise provided in Section 10489.7, the minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, 3½ percent interest except that the interest specified in subdivisions (c) and (d) of this section may be used for certain annuity and pure endowment contracts and 4 percent may be used for all policies issued and contracts entered into from January 1, 1970, through December 31, 1975, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of subdivision (a) of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table for such

policies issued prior to the operative date of subdivision (b) of Section 10163.5, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts issued prior to the compliance date of Section 10489.7, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner. However, the minimum standard for such contracts issued from January 1, 1968, through December 31, 1968, with commencement of benefits deferred not more than one year from date of issue, may be, at the option of the company, 4 percent interest, and for contracts issued from January 1, 1969, through December 31, 1975, with commencement of benefits deferred not more than 10 years from date of issue and with premiums payable in one sum may be, at the option of the company, 5 percent interest.

(d) For group annuity and pure endowment contracts issued prior to the compliance date of Section 10489.7, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts. However, the minimum standard for group annuities purchased or to be purchased with considerations received on or after January 1, 1968, through December 31, 1968, may be, at the option of the company, 4 percent interest, and for group annuities purchased or to be purchased with considerations received from January 1, 1969, through December 31, 1975, may be, at the option of the company, 5 percent interest.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the

Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

SEC. 2. Section 10489.7 is added to the Insurance Code, to read:

10489.7. The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the compliance date of this section, and for all annuities and pure endowments purchased on or after such compliance date under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation method defined in Section 10489.3, 3½ percent interest, except as provided in subdivision (c), and the following provisions:

(a) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the individual annuity mortality table for 1971 or any modification of such table approved by the commissioner.

(b) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the group annuity mortality table for 1971 or any modification of such table approved by the commissioner.

(c) Interest rates not exceeding either of the following may be used for annuity and pure endowment contracts issued after the compliance date of this section, through December 31, 1985:

(1) Six percent for individual single-premium immediate annuity contracts, and group annuity and pure endowment contracts.

(2) Four percent for all other individual annuity and pure endowment contracts.

Any insurer may, prior to January 1, 1979, file with the commissioner a written notice that such insurer elects to comply with the provisions of this section on and after a date specified in the notice prior to January 1, 1979. On or after January 1, 1979, every insurer shall comply with the provisions of this section.

For the purposes of this section and Section 10489.2, the compliance date of this section (i) as to any insurer prior to January 1, 1979, shall be the date it elects to comply with this section specified in the written notice filed with the commissioner, (ii) and as to any insurer not electing to so comply with this section, January 1, 1979.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the constitution and shall go into immediate effect. The facts constituting such necessity are:

The existing 5-percent assumption rate applicable to single premium annuities and group annuities covered by this act is substantially less than the returns on new-money investments realized by insurers, and as a consequence such assumption rate places a substantial strain on the surplus available for allocation of

reserves by smaller life insurers, resulting in a practical requirement that such smaller life insurers raise premiums. If this act takes effect immediately, such premium increases will be avoided, and smaller companies will be permitted to compete with larger insurers.

CHAPTER 896

An act to add Section 904.6 to the Penal Code, relating to grand juries.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 904.6 is added to the Penal Code, to read:

904.6. (a) In any city and county, the presiding judge of the superior court may order and direct the impanelment, at any time, of one additional grand jury pursuant to this section.

(b) The presiding judge may select persons, at random from the list of trial jurors in civil and criminal cases and shall examine them to determine if they are competent to serve as grand jurors. When a sufficient number of competent persons have been selected, they shall constitute the additional grand jury.

(c) Any additional grand jury which is impaneled pursuant to this section may serve for a period of one year from the date of impanelment, but may be discharged at any time within the one-year period by order of the presiding judge. In no event shall more than one additional grand jury be impaneled pursuant to this section at the same time.

(d) Whenever an additional grand jury is impaneled pursuant to this section, it may inquire into any matters which are subject to grand jury inquiry and shall have the sole and exclusive jurisdiction to return indictments, except for any matters which the regular grand jury is inquiring into at the time of its impanelment.

CHAPTER 897

An act to add Section 656.5 to the Welfare and Institutions Code, relating to juvenile courts.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 656.5 is added to the Welfare and Institutions Code, to read:

656.5. Any petition filed in juvenile court to commence proceedings pursuant to this chapter that is not verified may be dismissed without prejudice by such court.

CHAPTER 898

An act to amend Sections 3008, 3012, 3013, 3101, 3103, 3104, 3106, 3203, 3204, 3205, 3207, 3208, 3215, 3218, 3226, 3227, 3237, and 3356 of, and to add Section 3205.5 to, the Public Resources Code, relating to oil and gas.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3008 of the Public Resources Code is amended to read:

3008. "Well" means any oil or gas well or well for the discovery of oil or gas, or any well on lands producing or reasonably presumed to contain oil or gas or any well drilled for the purpose of injecting fluids or gas for stimulating oil or gas recovery, repressuring or pressure maintenance of oil or gas reservoirs, or disposing of oilfield waste fluids or any well drilled within or adjacent to an oil or gas pool for the purpose of obtaining water to be used in production stimulation or repressuring operations.

SEC. 2. Section 3012 of the Public Resources Code is amended to read:

3012. The provisions of this division apply to any land or well situated within the boundaries of an incorporated city in which the drilling of oil wells is now or may hereafter be prohibited, until all wells therein have been abandoned as provided in this chapter.

SEC. 3. Section 3013 of the Public Resources Code is amended to read:

3013. This division shall be liberally construed to meet its purposes, and the director and the supervisor shall have all powers which may be necessary to carry out the purposes of this division.

SEC. 4. Section 3101 of the Public Resources Code is amended to read:

3101. The supervisor shall appoint one chief deputy and at least one district deputy for each of the districts provided for in this chapter, and shall prescribe their duties.

SEC. 5. Section 3103 of the Public Resources Code is amended to read:

3103. The chief deputy shall be a competent engineer or geologist, registered in the state, and experienced in the

development and production of oil and gas.

SEC. 6. Section 3104 of the Public Resources Code is amended to read:

3104. Each district deputy shall be a competent engineer or geologist, registered in the state, and experienced in the development and production of oil and gas. At the time any district deputy is appointed, notice of his appointment shall be transmitted in writing to the board of commissioners of the district for which the deputy is appointed.

SEC. 7. Section 3106 of the Public Resources Code is amended to read:

3106. The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells as to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas, or reservoir energy, and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells.

The supervisor shall also supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate recovery of underground hydrocarbons and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of underground hydrocarbons it is hereby declared as a policy of this state that the grant in an oil and gas lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all hydrocarbons from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would do, having in mind the best interests of the lessor, lessee and the state, in producing and removing hydrocarbons, including but not limited to the injection of air, gas, water or other fluids into the productive strata, the application of pressure heat or other means for the reduction of viscosity of the hydrocarbons, the supplying of additional motive force or creating of enlarged or new channels for the underground movement of hydrocarbons into production wells, when such methods or processes employed have been approved by the supervisor; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations.

In order to best meet oil and gas needs in California, the supervisor shall administer this division so as to encourage the wise development of the oil and gas resources.

SEC. 13. Section 3203 of the Public Resources Code is amended to read:

3203. The owner or operator of any well shall, before commencing the work of drilling the well, file with the supervisor or the district deputy a written notice of intention to commence drilling. Drilling shall not commence until approval is given by the supervisor or the district deputy; if the supervisor or the district deputy fails to give the owner or operator written response to the notice within 10 working days, such failure shall be considered as an approval of the notice and the notice shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor. If operations have not commenced within one year of receipt of the notice, the notice will be considered canceled. The notice shall contain the following:

(a) The location and elevation above sea level of the floor of the proposed derrick and drill rig.

(b) The number or other designation by which the well shall be known. Such number or designation shall be subject to the approval of the supervisor.

(c) The owner's or operator's estimate of the depths between which production will be attempted.

(d) Such other pertinent data as the supervisor may require on the printed forms to be supplied by the Division of Oil and Gas, or on forms acceptable to the supervisor.

After the completion of any well the provisions of this section shall also apply, as far as may be, to the deepening or re-drilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by this section, shall not be changed without first obtaining a written consent of the supervisor.

SEC. 14. Section 3204 of the Public Resources Code is amended to read:

3204. Every person who engages in the drilling, re-drilling, or deepening, or in any operation involving plugging or permanently altering in any manner the casing of any well shall file with the supervisor an indemnity bond in the sum of five thousand dollars (\$5,000) for each well so drilled, re-drilled, deepened, plugged or permanently altered. The bond shall be filed with the supervisor at the time of the filing of the notice of intention to perform work on the well, provided for in Section 3203. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, conditioned that the principal named in the bond shall faithfully comply with all the provisions of this chapter, in drilling, re-drilling, or deepening any well or wells covered by the bond, and shall secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond.

The condition of the bond shall be stated in substantially the following language:

“If said _____, the above bounden principal, shall well and truly comply with all the provisions of Division 3 of the Public Resources Code and shall obey all lawful orders of the State Oil and Gas Supervisor or his district deputy or deputies, subject to subsequent appeal as provided in this division, and shall pay all charges, costs, and expenses incurred by the supervisor or his district deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the property or properties of such principal, in pursuance of the provisions of said division, then this obligation shall be void; otherwise, it shall remain in full force and effect.”

SEC. 15. Section 3205 of the Public Resources Code is amended to read:

3205. Any person who engages in the drilling, redrilling, deepening, or in any operation involving plugging or permanently altering in any manner the casing of one or more wells at any time, may file with the supervisor one bond for twenty-five thousand dollars (\$25,000) to cover all his operations in drilling, redrilling, deepening, plugging, or permanently altering any of his wells in the state in lieu of a five-thousand-dollar (\$5,000) bond for each well drilled, redrilled, deepened, plugged, or permanently altered. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as provided in Section 3204, except as to the difference in the amount.

SEC. 16. Section 3205.5 is added to the Public Resources Code, to read:

3205.5. In lieu of the bond required by Sections 3204 and 3205, a person may with the written approval of the supervisor file a cash bond in the applicable amount, evidence of deposit in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, investment certificates or share accounts in the applicable amount issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, or bonds issued by the United States or the State of California in the principal amounts of six thousand dollars (\$6,000) or thirty thousand dollars (\$30,000), whichever is applicable, with the State Treasurer, such bond or security filed in lieu thereof shall be subject to all conditions set forth in Sections 3204, 3205, 3206, 3207, and 3208.

SEC. 17. Section 3207 of the Public Resources Code is amended to read:

3207. Any twenty-five-thousand-dollar (\$25,000) bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder when all wells covered by such bond have been properly completed or abandoned. Should the person who has filed a twenty-five-thousand-dollar (\$25,000) bond properly

complete or abandon a portion of his wells covered by the bond, the bond may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder upon the filing by such person of a five-thousand-dollar (\$5,000) bond for each well which he is still engaged in drilling, re-drilling, deepening, plugging, or permanently altering. Liability as to individual wells that have been drilled and abandoned or completed under a twenty-five-thousand-dollar (\$25,000) bond may also be terminated with the consent of the supervisor.

SEC. 18. Section 3208 of the Public Resources Code is amended to read:

3208. A well is properly completed, for the purposes of Sections 3206 and 3207, when it has been completed to production of oil or gas, and the person engaged in drilling, re-drilling, deepening, plugging, or permanently altering it has shown to the satisfaction of the supervisor that both the manner of drilling, re-drilling, deepening, plugging, or permanently altering the well and the manner of producing oil or gas therefrom are satisfactory. A well is properly abandoned when drilling, re-drilling, deepening, plugging, or permanently altering has ceased before completion to production of oil or gas, and the person drilling, re-drilling, deepening, plugging, or permanently altering it has shown to the satisfaction of the supervisor that all proper steps have been taken to shut off and exclude all water from oil-bearing or gas-bearing strata encountered in the well, and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance and to prevent subsequent damage to life, health, property, and other resources.

SEC. 19. Section 3215 of the Public Resources Code is amended to read:

3215. Upon the completion or abandonment of any well or upon the suspension of operations upon any well, true copies of the log, core record, and history in duplicate, and if made, true and reproducible copies of all electrical, physical, or chemical logs, tests, or surveys in duplicate and in such form as the supervisor may approve shall be filed with the district deputy within 60 days after such completion, suspension, or abandonment. Like copies shall be filed upon the completion of additional work in any well. Upon a showing of hardship, the supervisor may extend the time within which to comply with the provisions of this section for a period not to exceed 60 additional days.

SEC. 20. Section 3218 of the Public Resources Code is amended to read:

3218. The supervisor upon application of an owner or operator shall determine and designate what wells are prospect wells, and reports shall not be required from such prospect wells until six months after suspension of drilling operations. Upon a showing of hardship, the supervisor may extend the time within which to comply with the provisions of Section 3215 for a period not to exceed

six additional months.

SEC. 21. Section 3226 of the Public Resources Code is amended to read:

3226. Within 30 days after service of an order, pursuant to Sections 3224 and 3225, or 3237, or if there has been an appeal from the order to the board of district commissioners, within 30 days after service of the decision of the board, or if a review has been taken of the order of the board of district commissioners, within 10 days after affirmance of the order, the owner shall commence in good faith the work ordered and continue it until completion. If the work has not been commenced and continued to completion, the supervisor shall appoint necessary agents who shall enter the premises and perform the work. An accurate account of the expenditures shall be kept, and the amounts shall be paid from the Petroleum and Gas Fund upon the warrant of the State Controller. Any amount so expended shall constitute a lien against the property upon which the work is done.

SEC. 22. Section 3227 of the Public Resources Code is amended to read:

3227. The owner of any well producing or capable of producing oil or gas shall file with the district deputy, on or before the 10th day of each month, for the last preceding calendar month, a statement, in such form as the supervisor may designate, showing:

(a) The amount of oil and gas produced from each well during the period indicated, together with the gravity of the oil, the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well.

(b) The number of wells drilling, producing, or idle, owned or operated by such person.

(c) What disposition was made of the gas produced from each well, including the names of persons, if any, to whom the gas was delivered, and such other information regarding the gas and the disposition thereof as the supervisor may require.

Upon request and satisfactory showing, a longer interval may be fixed by the supervisor for such reports in the case of any specific owner or operator.

(d) It is the duty of the supervisor to compile from such statements and to publish monthly statistics showing the amount of oil and gas produced in the state by oilfields and pools, together with the number of wells drilling, number of wells producing or idle, all separately stated as to oilfields and pools, with such other information as the supervisor deems proper.

(e) As used in this section, "pool" means an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

(f) What disposition was made of the water produced from each well, including designations of injection or disposal wells and such other information regarding the water and the disposition thereof as

the supervisor may require.

SEC. 23. Section 3237 of the Public Resources Code is amended to read:

3237. The supervisor or his deputy may order the abandonment of any well that has been deserted whether or not any damage is occurring or threatened by reason of said well. Suspension of drilling operations and removal of drilling machinery is prima facie evidence of desertion after the elapse of six months unless a request for an extension of time for a period not to exceed an additional six months is theretofore filed. Removal of production equipment or facilities is prima facie evidence of desertion after the elapse of two years after April 1, 1973. At any time the supervisor may for good cause shown extend these periods. Such order may be appealed to the district oil and gas commissioners.

SEC. 24. Section 3356 of the Public Resources Code is amended to read:

3356. If a review is not taken within 10 days, or if taken, in case the decision of the district board is affirmed, the lien upon the property shall be enforced in the same manner as are other liens on real property, and shall first be enforced against the owner of the well, against the operator, against the personal property and fixtures used in the construction or operation thereof, and secondly against the mineral estate of the property, and then, if there is any deficiency, against the land upon which the work is done. Upon the request of the supervisor, the State Controller shall bring an action for the enforcement of the lien in the manner provided in Article 7 (commencing with Section 3400) of this chapter.

CHAPTER 899

An act to amend Section 205.5 of the Revenue and Taxation Code, and to place a constitutional amendment on the ballot, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 205.5 of the Revenue and Taxation Code is amended to read:

205.5. (a) There is exempt from taxation property, constituting the home, of every resident of this state who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or

paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received pecuniary assistance from the government of the United States in the acquisition of a home with special fixtures or movable facilities made necessary by the nature of the disability, or who, by reason of a permanent and total service-connected disability incurred in such military or naval service has suffered (1) blindness in both eyes with a visual acuity of 5/200 or less and the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of one lower extremity or of one arm or (2) the loss, or loss of use, as a result of amputation, ankylosis, progressive dystrophies, or paralysis, of both an upper and lower extremity, or (3) the loss, or loss of use of both arms as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis.

(b) Where such a person, such a person and his or her spouse, or the surviving spouse of such person, sells or otherwise disposes of such property, constituting the home, and thereafter acquires, with or without assistance from the government of the United States, any other property which such person, such person and his or her spouse, or the surviving spouse of such person, occupies habitually as a home, the exemption allowed pursuant to this section shall apply to such other property.

(c) No person shall be eligible for such exemption unless he or she was a resident of California at the time of his or her entry upon military or naval service, or unless he or she has resided in this state for five years out of the nine years immediately preceding the date of his or her application for the exemption, or unless he or she was a resident of California at the effective date of this section.

(d) This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse. This exemption includes the home of the surviving spouse of such a person acquired as described in subdivision (a).

(e) The exemption granted to any such person or any such person and his or her spouse or to the surviving spouse of such a person shall not exceed ten thousand dollars (\$10,000) and shall not extend to more than one home.

(f) An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

(g) The exemption granted to the surviving spouse of such person shall cease upon his or her remarriage.

SEC. 2. This act shall become operative only if Senate Constitutional Amendment No. 59 of the 1972 Regular Session is adopted by the voters, and in such case, shall become operative at the same time as Senate Constitutional Amendment No. 59.

SEC. 3. (a) There shall be submitted to the people at the general

election, to be held on the seventh day of November, 1972, the constitutional amendment proposed by Senate Constitutional Amendment No. 59 of the 1972 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Senate Constitutional Amendment No. 59, whichever occurs later, the author and first coauthor of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of appointment.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of Senate Constitutional Amendment No. 59, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section and shall also request the Legislative Counsel and the Legislative Analyst to prepare analyses of said measure in accordance with Sections 3566 and 3566.3 of the Elections Code, respectively. Said title and said analyses shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of Senate Constitutional Amendment No. 59, whichever occurs later. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place Senate Constitutional Amendment No. 59 on the ballot, it is necessary that this act go into immediate effect.

CHAPTER 900

An act to add Section 23102.3 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23102.3 is added to the Vehicle Code, to read: 23102.3. In the case of a first conviction of driving a motor vehicle upon a highway while under the influence of intoxicating liquor, any judge of a court may order a presentence investigation to determine whether a person convicted of such offense would benefit from treatment for persons who are habitual users of alcohol.

In the case of a second or subsequent such conviction, the court shall order such a presentence investigation.

In either case, the court may order suitable treatment for the person, in addition to imposing any penalties required by this code.

CHAPTER 901

An act to amend Section 2741 of the Business and Professions Code, relating to nurses.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2741 of the Business and Professions Code is amended to read:

2741. An applicant who fails to pass the examination may be reexamined in the subjects in which he failed without payment of an additional fee if not more than 12 months have elapsed since the first examination. Before taking any examination after the second he shall pay the fee prescribed by this chapter for the filing of an original application.

CHAPTER 902

An act to amend Section 34217 of, and to add Sections 34211.1, 65302.2, and 65307 to, the Government Code, relating to planning.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 34211.1 is added to the Government Code, to read:

34211.1. In connection with its responsibilities under Section 34211, the council shall develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3 of Title 7. Such guidelines shall take into account different geographic, demographic and other relevant characteristics among the various cities and counties. The guidelines shall be adopted as soon as possible, and, in any event shall be adopted within six months of the effective date of this section. For purposes of this section the guidelines prepared pursuant to Section 37041 of the Health and Safety Code shall be the guidelines for the housing element required by Section 65302. In the event that additional elements are hereafter required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, the council shall adopt guidelines with respect to such elements within six months of the effective date of legislation requiring such additional elements.

The council may request from each state department and agency, as it deems appropriate, and such department or agency shall provide, technical assistance in preparing the guidelines.

Upon adopting the guidelines, the council shall transmit copies thereof to every city and county. Such guidelines shall be advisory to each city and county in order to provide assistance in preparing and maintaining their respective general plans.

The council shall provide for regular review and revision of the guidelines established pursuant to this section.

SEC. 2. Section 34217 of the Government Code is amended to read:

34217. (a) Every city, county, or regional planning agency established pursuant to law shall file on October 1st of each year with the council a complete report of its transactions and recommendations during the previous fiscal year with recommendations for needed legislation respecting planning. In lieu of the report required by this section a city, county, or regional planning agency may file with the council the annual or official report which it files with the legislative body or bodies of the city, county, or region in which it is located.

(b) Beginning October 1, 1974, the annual report of every city or

county planning agency filed pursuant to this section shall indicate the degree to which its approved general plan complies with the guidelines for such plans adopted by the council pursuant to Section 34211.1.

SEC. 3. Section 65302.2 is added to the Government Code, to read:

65302.2. Notwithstanding any other provision of law, every city and county shall prepare and adopt the seismic safety element, the noise element, the safety element, the scenic highway element, and any other element hereafter required to be included in its general plan no later than one year following the adoption of guidelines for the preparation of such elements pursuant to Section 34211.1.

Upon application by a city or a county, the Council on Intergovernmental Relations may, in cases of extreme hardship, extend the date for adopting such elements for a reasonable period of time.

SEC. 4. Section 65307 is added to the Government Code, to read: 65307. On or before October 1 of each year, the planning agency of each city or county shall comply with the provisions of Section 34217.

CHAPTER 903

An act to add Division 1.5 (commencing with Section 475) to the Business and Professions Code, relating to licenses.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Division 1.5 (commencing with Section 475) is added to the Business and Professions Code, to read:

DIVISION 1.5. DENIAL, SUSPENSION AND REVOCATION OF LICENSES

CHAPTER 1. GENERAL PROVISIONS

475. Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses, certificates, registrations, or other means to engage in a business or profession regulated by this code, on the grounds of a lack of good moral character and the ground of knowingly making a false statement of fact required to be revealed in an application for such licenses, certificates, or registrations, and shall govern the suspension or revocation of such licenses, certificates, or registrations on the grounds of conviction of a crime.

476. Nothing in this division shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3, or pursuant to Division 9 (commencing with Section 23000).

477. As used in this division, "board" includes "bureau," "commission," "department," "division," and "agency."

CHAPTER 2. DENIAL OF LICENSES

480. A person may be denied the status of a licentiate under this code on the grounds that he does not possess good moral character, as specified in Section 481.

481. A person possesses good moral character unless he has done any of the following:

(a) He has done any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of his license. No act shall be grounds for denial, however, which does not have a substantial relationship to the functions and responsibilities of the licensed business or profession.

(b) He has done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or another, or substantially injure another.

482. Each board, when considering the denial of a license under Section 481, shall take into account all competent evidence of rehabilitation furnished by the applicant.

483. A person may be denied a license under this division on the grounds that he has knowingly made any false statement of fact which is required to be revealed in his application for license.

484. No person applying for licensure under this code shall be required to submit to any licensing board any attestation by other persons to his good moral character. This section shall not apply to any person who has been denied a license by any board on the basis that he does not possess good moral character, and who has reapplied for the license that he was previously denied.

485. Upon denial of an application for a license, under this chapter the board shall:

(a) File and serve a statement of issues in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code; or, in the alternative,

(b) Notify the applicant that the application is denied, stating (1) the reason for the denial, and (2) that the applicant has the right to a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if written request for hearing is made within 60 days after service of the notice of denial. Unless written request for hearing is made within the 60-day period, the applicant's right to a hearing is deemed waived.

Service of the notice of denial may be made in the manner authorized for service of summons in civil actions, or by registered mail addressed to the applicant at the latest address filed by the applicant in writing with the board in his application or otherwise.

Service by mail is complete on the date of mailing.

486. Where the board has denied an application for a license under this chapter it shall, in its decision, or in its notice under subdivision (b) of Section 485, inform the applicant of the following:

(a) The earliest date on which the applicant may reapply for a license.

(b) That all competent evidence of rehabilitation presented will be considered upon a reapplication.

Along with the decision, or the notice under subdivision (b) of Section 485, the board shall serve a copy of the criteria relating to rehabilitation formulated under Section 488.

487. If a hearing is requested by the applicant, the board shall conduct such hearing as soon thereafter as is practicable.

488. Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person denied a license by the board on the ground of lack of good moral character.

CHAPTER 3. SUSPENSION AND REVOCATION OF LICENSES

490. Each board, when considering the suspension or revocation of a license under this code on the ground that the licensee has been convicted of a crime, shall take into account the relationship of the crime to the licensed activity.

491. Upon revocation of a license by a board on the ground that the licensee has been convicted of a crime, the board shall, in its decision, give the following information, in writing, to the ex-licensee:

(a) A copy of the provisions of Section 11522 of the Government Code.

(b) A copy of the criteria relating to rehabilitation formulated under Section 492.

492. Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person whose license has been suspended or revoked on the ground of conviction of a crime.

CHAPTER 904

An act to place an amendment to the Constitution on the ballot for the general election to be held on Tuesday, November 7, 1972, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972 Filed with
Secretary of State August 15, 1972]

The people of the State of California do enact as follows:

SECTION 1. There shall be submitted to the people at the general election, to be held on the seventh day of November, 1972, a constitutional amendment as proposed by Senate Constitutional Amendment No. 70 of the 1972 Regular Session of the Legislature, if such measure is adopted by the Legislature prior to August 5, 1972.

SEC. 2. Within five days after either the effective date of this act or the adoption by the Legislature of Senate Constitutional Amendment No. 70, whichever occurs later, the author of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of such measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of the Senate constitutional amendment, whichever occurs later. Rebuttal arguments shall be submitted pursuant to Section 3565.5 of the Elections Code, except that the rebuttal arguments shall be filed within three days after the date on which arguments are to be filed with the Secretary of State.

SEC. 3. Upon either the effective date of this act or the adoption by the Legislature of the Senate constitutional amendment, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for such measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of such measure in accordance with Section 3566 of the Elections Code. The title and analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of the Senate constitutional amendment, whichever occurs later. The measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the necessary constitutional amendment on the ballot at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 905

An act to amend Section 5126 of the Civil Code, relating to separate property.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5126 of the Civil Code is amended to read: 5126. (a) All money or other property received by a married person in satisfaction of a judgment for damages for personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages is the separate property of the injured person if such money or other property is received as follows:

(1) After the rendition of a decree of legal separation or a final judgment of dissolution of a marriage.

(2) While either spouse, if he or she is the injured person, is living separate from the other spouse.

(3) After the rendition of an interlocutory decree of dissolution of a marriage.

(b) Notwithstanding subdivision (a), if the spouse of the injured person has paid expenses by reason of his spouse's personal injuries from his separate property or from the community property subject to his management and control, he is entitled to reimbursement of his separate property or the community property subject to his management and control for such expenses from the separate property received by his spouse under subdivision (a).

 CHAPTER 906
An act to amend Sections 554, 630, 658 and 660 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Welfare and Institutions Code is amended to read:

554. A referee shall hear such cases as are assigned to him by the presiding judge of the juvenile court, with the same powers as a judge of the juvenile court. A referee shall promptly furnish to the presiding judge of the juvenile court and the minor, if the minor is 14 or more years of age or if younger has so requested, and shall serve upon the minor's attorney of record and the minor's parent or guardian or adult relative and the attorney of record for the minor's

parent or guardian or adult relative a written copy of his findings and order and shall also furnish to the minor, if the minor is 14 or more years of age or if younger has so requested, and to the parent or guardian or adult relative, with the findings and order, a written explanation of the right of such persons to seek review of the order by the juvenile court. Service, as provided in this section, shall be by mail to the last known address of such persons or to the address designated by such persons appearing at the hearing before the referee.

SEC. 2. Section 630 of the Welfare and Institutions Code is amended to read:

630. (a) If the probation officer determines that the minor shall be retained in custody, he shall immediately file a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the matter for hearing on the detention hearing calendar. Immediately upon filing the petition with the clerk of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the probation officer shall serve such minor with a copy of the petition and notify him of the time and place of the detention hearing. The probation officer shall thereupon notify a parent or guardian of the minor of the time and place of such hearing, and if the minor is alleged to be a person described in Section 600, the probation officer shall serve those persons entitled to notice of the hearing under the provisions of Section 658 with a copy of the petition and notify such persons of the time and place of the detention hearing. Such notice may be given orally.

(b) In such hearing the minor has a privilege against self-incrimination and has a right to confrontation by, and cross-examination of, any person examined by the court as provided in Section 635.

SEC. 3. Section 658 of the Welfare and Institutions Code is amended to read:

658. Upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he shall cause the same to be served upon the minor, if the minor is 14 or more years of age or, in a case in which the minor is alleged to be a person described in Section 601 or 602, if the minor is eight or more years of age, and upon each of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth in said petition and thereafter before the hearing upon all such persons whose residence addresses become known to the clerk. If the petition alleges that the minor is a person described in Section 601 or 602 the clerk shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district attorney has notified the clerk of the court that he wishes to receive such petition, containing the time, date, and place of the hearing. If the petition alleges that the minor is a person described in Section 600, the clerk shall issue a copy of the petition to the attorney for the minor's parent or guardian and to the district attorney, if the district attorney has

notified the clerk of the court that he wishes to receive such petition, containing the time, date, and place of the hearing.

SEC. 4. Section 660 of the Welfare and Institutions Code is amended to read:

660. (a) If the minor is detained the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive such notice and copy of the petition, either personally or by certified mail with request for return receipt, as soon as possible after filing of the petition and at least five days prior to the time set for hearing, unless such hearing is set less than five days from the filing of the petition, in which case, such notice and copy of the petition must be served at least 24 hours prior to the time set for hearing.

(b) If the minor is not detained the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive such notice and copy of the petition, either personally or by certified mail with request for return receipt, at least 10 days prior to the time set for hearing. If such person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by certified mail with request for return receipt, to such person, as soon as possible after filing of the petition and at least 10 days before the time set for hearing. Personal service of the notice and copy of the petition outside of the county at least 10 days before the time set for hearing is equivalent to such service by certified mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

(c) For purposes of this section, except in a case in which a minor is alleged to be a person described in Section 600, service on the minor's attorney shall constitute service on the minor's parent or guardian.

CHAPTER 907

An act to amend Section 22825 of the Government Code, relating to state employees' benefits, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 22825 of the Government Code is amended to read:

22825. The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee and

annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, sixteen dollars (\$16) per month. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant. The employer's contribution to the health benefits plan or plans to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the employer; provided, the employment has not been interrupted by a break of more than one month. An absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan or plans less the portion thereof to be contributed by the employer.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for this act to apply during the 1972-1973 fiscal year and grant state employees an increase in the state's share of increased health insurance cost, it is necessary for this act to take immediate effect.

CHAPTER 908

An act to add Article 6 (commencing with Section 19460) to Chapter 7 of Part 2 of Division 5 of Title 2 of the Government Code, and Item 84.2 to the Budget Act of 1972, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 19460) is added to Chapter 7 of Part 2 of Division 5 of Title 2 of the Government Code, to read:

Article 6. Uniforms, Work Clothes, Safety Equipment, and
Police Protective Equipment

19460. As used in this article:

(a) "Board" means the State Board of Control.

(b) "Uniform" means outer garments, excluding shoes, which are required to be worn exclusively while carrying out the duties and responsibilities of the position and which are different from the design or fashion of the general population. This definition includes items that serve to identify the person, agency, functions performed, rank, or time in service.

(c) "Work clothes" means attire that is worn over, or in place of, regular clothing and is necessary to protect the employee's clothing from damage or stains which would be present in the normal performance of his duties, for example, aprons, lab smocks, shop coats, or coveralls; or is necessary for the required sanitary conditions, for example, agriculture inspectors, surgery personnel, or food service.

(d) "Safety equipment" means equipment or attire worn over, in place of, or in addition to, regular clothing, which is necessary to protect the employees' health and welfare, for example, helmets, goggles, safety harness, and fireman "turn out gear."

(e) "Police protective equipment" means equipment or attire worn by law enforcement personnel for the purpose of protecting themselves or the public from overt actions of others or to assist in the carrying out of related duties, for example, handgun, baton, billy, handcuffs, flashlight, whistle, leather belt, holster and cases or attachments.

(f) "State employees" means employees of the state and its agencies, but does not include employees of the University of California.

19461. State employees shall be responsible for the purchase of uniforms required as a condition of employment. The state shall provide for an allowance not to exceed one hundred fifty dollars (\$150) per year to state employees for the replacement of uniforms.

19462. Each state employee employed in a position which is permanent and full time, including employees having probationary status, shall receive the allowance for uniforms provided for in Section 19461, if:

(a) The uniform is clearly necessary for ready visual identification by the public for law enforcement, public safety, or other closely related purposes; and

(b) The employee is required by his appointing power to wear the uniform for the regular, full-time performance of his duties; and

(c) The uniform is authorized for wear only in an official capacity.

19463. To implement the provisions of Sections 19461 and 19462, the board shall:

(a) Establish a procedure to determine what articles are to be included in calculating the amount of the uniform allowance.

(b) Determine the average annual replacement cost for each type of uniform based on departmental standards and taking into consideration normal uniform life. The allowance shall be the average annual replacement cost or one hundred fifty dollars (\$150), whichever is less.

(c) Annually review uniform allowances and adjust them when necessary.

(d) Determine procedure for and frequency of payment.

(e) Determine when new employees become eligible.

(f) Determine the need for changes in uniforms based on departmental requests.

(g) Determine what degree of need for identification is necessary to support a uniform requirement.

(h) Establish procedures and make determinations as required.

19464. Subject to the availability of funds appropriated specifically for that purpose, each state employee shall be furnished work clothes if:

(a) The work clothes are required for purposes of sanitation or cleanliness; and

(b) The work clothes are required by the appointing power; and

(c) The work clothes are of a standard size instead of a measured size.

Work clothes provided pursuant to this section will be maintained and owned by the state. Items lost or damaged due to the negligence of the employee, shall be replaced by the employee at his expense.

19465. The state shall furnish the initial issuance of all safety equipment and police protective equipment required by the employing state agency. All safety equipment and police protective equipment provided pursuant to this section shall remain the property of the state. Items lost or damaged due to the negligence of the employee, shall be replaced by the employee at his expense.

SEC. 2. Section 84.2 is added to the Budget Act of 1972, to read:

84.2—For allocation by the Department of Finance to the several state officials, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service, whose compensation, or portion thereof, is chargeable to the General Fund, the uniform allowance for state employees provided for in Article 7 (commencing with Section 19460) of Chapter 7 of Part 2 of Division 5 of Title 2 of the Government Code, on or after July 1, 1972, by the State Board of Control

\$833,000

For state officers and employees whose compensation, including staff benefits, or

portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide the uniform allowances for state employees in accordance with this section, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any uniform allowance for state employees for the 1972-73 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this section, to meet the cost of such uniform allowance.

SEC. 3. It is the intent of the Legislature in adding Item 84.2 to the Budget Act of 1972 by Section 2 of this act to incorporate and make applicable thereto the same conditions contained in and as are applicable to other items of appropriation in the Budget Act of 1972.

SEC. 4. It is the intent of the Legislature to provide state funds for the replacement of uniforms for work clothing and for safety equipment and police protective equipment for employees of the University of California whose compensation is paid from the General Fund. The Regents of the University of California are requested to establish procedures and make determinations as required to provide comparable allowances to those provided to state employees and to report the cost thereof to the Department of Finance and the Joint Legislative Budget Committee.

SEC. 5. This act shall become operative on July 1, 1972.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the state employee benefits provided for by this act may commence at the beginning of the 1972-1973 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 909

An act to add Section 17054.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 17054.5 is added to the Revenue and Taxation Code, to read:

17054.5. (a) In the case of an individual computing his tax under Section 17041 or 17048, there shall be allowed as a credit against the tax imposed eight dollars (\$8) for each person (other than a dependent, as defined in Section 17056, or a relative of the taxpayer) maintained as a member of the taxpayer's household for a period of not less than six months, if during such period such individual is—

(1) A member of the taxpayer's household under a written agreement between the taxpayer and an organization described in subdivision (b), (d), or (e) of Section 17214 to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

(2) A full-time pupil or student in the 12th or any lower grade at an educational institution (as defined in paragraph (5) of subdivision (c) of Section 17054) located in the United States.

(b) (1) For purposes of computing the period in subdivision (a), if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

(2) Subdivision (a) shall not apply if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in his household during the period described in subdivision (a).

(c) For purposes of subdivision (a), the term "relative of the taxpayer" means an individual who, with respect to the taxpayer, bears any of the relationships described in subdivisions (a) to (h), inclusive, of Section 17056.

(d) No deduction shall be allowed under Section 17214 for any amount paid by a taxpayer to maintain an individual as a member of his household under a program described in paragraph (1) of subdivision (a).

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, but it shall be applied with respect to taxable years beginning after December 31, 1971.

CHAPTER 910

An act to amend Section 16103 of the Government Code and to amend Sections 255.4 and 2615.6 of the Revenue and Taxation Code, and to amend Section 5 of Chapter 1739 of the Statutes of the 1971 Regular Session, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16103 of the Government Code is amended to read:

16103. (a) Each county auditor shall file a claim with the Controller on or before the last day of August of each year for reimbursement to local governmental agencies for the tax loss attributable to property on the unsecured roll by reason of a partial exemption for business inventories provided for in Section 219 of the Revenue and Taxation Code.

(b) Each county auditor shall file a claim with the Controller on or before October 31st of each fiscal year for reimbursement to local governmental agencies for the tax loss attributable to property on the secured roll by reason of the partial exemption for business inventories provided for in Section 219 of the Revenue and Taxation Code.

(c) Each county auditor shall file a claim with the Controller on or before March 31st for tax losses attributable to Sections 219 and 5523 of the Revenue and Taxation Code on taxes paid by February 15th, and shall file a claim by August 31st for tax losses attributable to such sections on taxes paid on August 15th.

SEC. 2. Section 255.4 of the Revenue and Taxation Code is amended to read:

255.4. (a) The claim form required to be sent to homeowners by Section 255.3 shall be accompanied by a notice to read as follows:

“ATTENTION HOMEOWNERS 62 OR OLDER ON JANUARY 1

“You may be eligible for additional property tax relief.

“Under the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Relief Act funded by the 1971 Legislature, homeowners 62 years of age or older with incomes of \$10,000 or less are eligible for a state assistance of part of their property taxes. This relief is available for the taxes you have paid last December and this April.

“The period for filing a claim for assistance for this year is between May 15 and October 15. Claim forms with instructions will be available on or about May 15. This assistance will afford you an additional and substantial reduction in your property taxes.

“For further information, contact the office of the Franchise Tax

Board in your area after April 15.”

(b) Each county shall insert in the notice required by subdivision (a) the address and telephone number of the Franchise Tax Board office in the county. In the absence of a Franchise Tax Board office, a county shall include either (1) the address and telephone number of the county tax collector or assessor, or (2) the nearest Franchise Tax Board office.

SEC. 3. Section 2615.6 of the Revenue and Taxation Code is amended to read:

2615.6. (a) When the county sends to any person a tax bill, it shall be accompanied by a notice to read as follows:

“ATTENTION HOMEOWNERS 62 OR OLDER ON JANUARY 1

“You may be eligible for additional property tax relief.

“Under the Gonsalves-Deukmejian-Petris Senior Citizens Property Tax Relief Act funded by the 1971 Legislature, homeowners 62 years of age or older with incomes of \$10,000 or less are eligible for a state assistance of part of their property taxes. This relief is available for the taxes you will pay in December and in April.

“This assistance will afford you an additional and substantial reduction in your property taxes. You may file for this property tax relief on or after this coming May 15th and claims will be paid on or after July 1st.

“For further information, contact the office of the Franchise Tax Board in your area.”

(b) Each county shall insert in the notice required by subdivision (a) the address and telephone number of the Franchise Tax Board office in the county. In the absence of a Franchise Tax Board office, a county shall include either (1) the address and telephone number of the county tax collector or assessor, or (2) the nearest Franchise Tax Board office.

SEC. 4. Section 5 of Chapter 1739 of the Statutes of the 1971 Regular Session is amended to read:

Sec. 5. This act shall become operative upon the operative date of corresponding provisions in the Internal Revenue Code of 1954, with respect to distributions pursuant to the Bank Holding Company Act of 1956 as amended by the Bank Holding Act Amendments of 1970, to be enacted by the Congress of the United States upon a finding of the Franchise Tax Board of such federal enactment filed with the Secretary of State, provided such legislation is enacted by the Congress of the United States on or before December 31, 1972. If such legislation is not adopted by the Congress of the United States on or before December 31, 1972, the provisions of this act shall not become operative and shall be of no force or effect.

SEC. 5. Section 1 of this act shall apply to claims filed for the 1971-1972 fiscal year and fiscal years thereafter. Sections 2 and 3 of this act shall become operative on July 1, 1972. Section 4 of this act shall become operative on the effective date of this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that Section 1 of this act may apply to claims filed by counties for the 1971-1972 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 911

An act to add Section 22850.1 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 22850.1 is added to the Government Code, to read:

22850.1 Notwithstanding any other provision of this part, a contracting agency which is a city and county shall be subject to this part only with respect to employees who upon entering city and county employment from state employment had an option under state statutes to continue enrollment under this part.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Generally local agencies contracting with the States Public Employees' Retirement System may elect to continue local health insurance plans or to take Meyers-Geddes coverage. While the election to take Meyers-Geddes coverage may be terminated during that coverage no other local health insurance plan can be maintained. The City and County of San Francisco, however, is required by law to continue Meyers-Geddes coverage of employees of the San Francisco Port Authority which thus precludes other local agencies from electing to continue their local health insurance plans when contracting into the Public Employees' Retirement System. Other local agencies of San Francisco will be entering into such a contract in the near future and in order that they be allowed an election to continue their local health insurance plans as provided in this act it is necessary that this act take immediate effect.

CHAPTER 912

An act to add Chapter 1.67 (commencing with Section 5096.71) to Division 5 of the Public Resources Code, relating to financing of a program of acquiring and developing state and municipal beach, park, recreational, and historical facilities by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of such funds, and providing for the submission of the measure to a vote of the people at a special election to be consolidated with the 1974 direct primary election, and making an appropriation therefor.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.67 (commencing with Section 5096.71) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.67. STATE BEACH, PARK, RECREATIONAL,
AND HISTORICAL FACILITIES BOND ACT OF 1974

5096.71. This chapter may be cited as the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 or as the Z'berg-Collier Park Bond Act.

5096.72. The Legislature of the State of California hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of outdoor recreation opportunities for the citizens of California;

(b) When there is proper planning and development, open-space lands contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring and developing such areas as will contribute to the realization of the policy declared in this chapter.

5096.73. The Legislature further finds and declares that:

(a) The present public outdoor recreation areas and facilities in the state are inadequate to accommodate the demands made on them at the present time and will become critically inadequate as time progresses.

(b) Land values are increasing at a steady rate and any delay by the state in securing additional lands for park and recreation purposes will result not only in the loss of suitable lands for recreation purposes, but also will reduce the economic ability of the state to acquire such lands.

(c) At a special election consolidated with the 1974 direct primary election, the people of the State of California will vote upon a proposition authorizing a state bond issue in the amount of two hundred fifty million dollars (\$250,000,000) to provide the moneys for the acquisition and development of lands needed for recreation purposes.

(d) It is desirable for the people of this state to have prior notice of the proposed disposition and allocation of the proceeds of this bond issue.

5096.74. Bonds in the total amount of two hundred fifty million dollars (\$250,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed hereinafter, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Said bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

5096.75. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.76. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.77, which sum is appropriated without regard to fiscal years.

5096.77. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which fund is hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.78. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State Beach, Park, Recreational, and

Historical Facilities Fund of 1974. The money in the fund may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.79. All proposed appropriations for the program contemplated by this chapter shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 Program." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds. The section shall contain proposed appropriations only for the program contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in that section of the Budget Act.

5096.80. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

5096.81. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Secretary of the Resources Agency is hereby designated as the board for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.83. All money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.84. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties for acquisition and development of real property for park and recreation purposes.

5096.85. Except as otherwise provided herein, all money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be available for appropriation as set forth

in Section 5096.79 for the purposes set forth below in amounts not to exceed the following except as may be provided hereafter:

- (a) For grants to counties, cities, or cities and counties for the acquisition, development, or acquisition and development, of real property for park, recreation area, beach, and historical purposes including state administrative costs \$90,000,000
- (b) For development of real property, including costs for planning and interpretation \$45,000,000
- (c) For development of historical resources for the state park system, including costs for planning and interpretation..... \$15,000,000
- (d) For the acquisition, development, or acquisition and development, of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report, including costs for planning and interpretation..... \$10,000,000
- (e) For the acquisition of real property for the state park system, including public beaches, recreation units, historical units and costs of planning and interpretation, of which not less than fifteen million dollars (\$15,000,000) shall be expended for acquisition of privately owned lands inside the boundaries of existing units and for additions to existing units \$90,000,000

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (e) of this section may be used for the acquisition of open-space lands, development rights, and scenic easements in connection with the state park system or, in the case of counties, cities, or cities and counties, in connection with park and beach purposes. For the purpose of acquiring such open-space lands or scenic easements the state and counties, cities, or cities and counties may exercise the power of eminent domain.

5096.86. The ninety million dollars (\$90,000,000) authorized by Section 5096.85 for grants shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

Each county's apportionment will be in the same ratio as the county's population is to the state's total population; provided, however, that each county shall be entitled to receive an allocation of not less than two hundred thousand dollars (\$200,000); and provided, further, that any grant made to a city, district, or regional

public agency shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city, district, or regional public agency is located. Advance grants may be made for development projects. However, 10 percent of the grant funds shall be withheld until the project is audited by the state.

Each county shall consult with all cities and districts within the county which are authorized to provide park and recreation services and shall develop and submit to the state a priority plan for expenditure of the county's allocation, including expenditures for city and district projects, by June 30, 1975. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1975, shall result in a 10-percent annual reduction in the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the bond fund and shall be expended under the same conditions as set forth in Section 5096.87 in 1980. By June 30, 1977, if agreement on the priority plan for expenditure has not been submitted to the state, the board of supervisors shall petition the Secretary of the Resources Agency to distribute to high-priority projects the county's total allocation.

Applications for individual projects appearing on the priority plan for expenditure may be submitted directly to the state by the individual jurisdictions. Any application for a project not appearing on the approved priority plan for expenditure shall obtain the approval of the county board of supervisors.

5096.87. On July 1, 1980, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974. A program shall be submitted in the budget for the 1981-1982 fiscal year to appropriate this balance. This program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (a) to (e), inclusive, of Section 5096.85 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.85.

5096.88. Projects involving state funds only, pursuant to subdivisions (b), (c), and (e) of Section 5096.85, shall originate by legislative resolution, resolutions, or resolutions of the State Park and Recreation Commission directing studies of the projects included therein or upon initiative of the Secretary of the Resources Agency directing a study of the projects included therein.

The costs of these project studies shall be borne by the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

Allocations for the purposes of subdivision (d) of Section 5096.85 that are authorized by the Legislature and approved by the Governor shall be made from the State Beach, Park, Recreational,

and Historical Facilities Fund of 1974 and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report prepared pursuant to Section 65041 of the Government Code. Local and state projects pursuant to subdivisions (a), (b), (c), and (e) of Section 5096.85 shall be in accord with the California Outdoor Recreation Resources Plan.

5096.89. An application for a state grant pursuant to subdivision (a) of Section 5096.85 shall be submitted to the Secretary of the Resources Agency. The application for the state grant shall be accompanied by an adopted plan showing park and recreation lands and facilities, existing and proposed, sufficient to enable the state to determine the needs of the general public for recreation lands and facilities in the applicant's jurisdiction and the quality and quantity thereof. The project for which funds are being requested shall appear on the applicant's plan. The applicant shall state that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project. Where the project land or facilities are located outside the political boundaries of the applicant, such project lands or facilities shall appear on the adopted plan of the jurisdiction in which the project is located. Prior to the approval of any project, the applying jurisdiction's park stewardship history will be reviewed for protecting existing park and recreation and open-space resources and operating and maintaining areas to acceptable standards. The Secretary of the Resources Agency, in cooperation with the Office of Planning and Research, shall review the material submitted by the county or counties for completeness and conformity with the State Environmental Goals and Policy Report. All applications shall contain an environmental impact statement in compliance with the Environmental Quality Act of 1970 (commencing with Section 21000 of the Public Resources Code).

Upon completion of the review by the Secretary of the Resources Agency, approved projects shall be forwarded to the Governor for inclusion in the Budget Bill.

5096.90. Projects proposed pursuant to subdivisions (b), (c), (d), and (e) of Section 5096.85 shall be submitted to the office of the Secretary of the Resources Agency for review. The Director of Parks and Recreation shall provide the Secretary of the Resources Agency with a statement concerning each project originated pursuant to subdivisions (b), (c), and (e) of Section 5096.85, which statement shall include the priority of the project in regard to the following needs:

- (a) Deficiencies in preserving history.
- (b) Deficiencies in preserving scenery and landscapes.
- (c) Deficiencies in providing recreation.

5096.91. The Secretary of the Resources Agency, after completing his review, shall forward those projects recommended by

the appropriate board or commission together with his comments thereon to the Governor for inclusion in the Budget Bill.

In submitting the list of projects recommended for inclusion in the annual budget, the secretary shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (b), (c), (d), and (e) of Section 5096.85. This priority ranking shall take into account and be based upon the needs specified in Section 5096.90.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition and development expenditures associated with the accomplishment of the projects contained in such list. All projects proposed in the Governor's Budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096.79.

5096.92. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.85 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to and in augmentation of the appropriation made in Section 16352 of the Government Code.

5096.93. The Director of Parks and Recreation may make agreements with respect to any land acquired pursuant to subdivision (e) of Section 5096.85 of this chapter for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in property as shall become due, owing or unpaid on the interest created by such agreement and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.94. Notwithstanding any other provisions of law, for the purposes of this chapter acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer of property for other property of like value, purchases of development rights, and other interests unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.95. All grants, gifts, devises or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants shall be available, when appropriated by the Legislature, for expenditure for the purposes provided for in Section 5096.85 of this chapter.

5096.96. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired shall be used by the grantee only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature.

5096.97. Lands acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreation purposes, and lands necessary for historic preservation. No funds derived from the bonds authorized by this section shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition and development of beaches, parks, recreational facilities and historical monuments at or in the vicinity of any such reservoir.

SEC. 2. Section 1 of this act shall become operative July 1, 1974, if the people at the special election provided for by Section 3 of this act adopt the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, as set forth in Section 1 of this act. Sections 2 to 9, inclusive, of this act provide for the calling of an election and contain provisions relating to and necessary for the submission of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of June, 1974. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed relating to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less

than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act, which shall appear as Proposition 1 at such election. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in time, form and manner as provided in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided for in this act shall be proclaimed, held, and conducted, the ballots shall be prepared, marked, collected, counted, and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing direct primary elections insofar as provisions thereof are applicable to the election provided for in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots of said election shall have printed thereon and in a square thereof, the words: "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring and developing lands for recreational purposes." Opposite the words "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974," and those voting against the said act shall do so by placing a cross opposite the words "Against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974." Provided, that where the voting of said election is done by means of voting

machines used pursuant to law in such manner as to carry out the intent of this action, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 9. Upon the effective date of this section, the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code, and the Legislative Analyst to prepare an analysis in accordance with Section 3566.3 of the Elections Code. Each such analysis shall be filed with the Secretary of State within the time specified in the Elections Code.

SEC. 10. There is hereby appropriated to the Department of Parks and Recreation the sum of fifty thousand dollars (\$50,000) from the Bagley Conservation Fund for advance planning on projects to be financed under subdivisions (b), (c), and (e) of Section 5096.85 of the Public Resources Code.

CHAPTER 913

An act to amend Section 1 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, Section 3 of Chapter 1679 of the Statutes of 1967, Sections 2 and 3 of Chapter 1356 of the Statutes of 1969, and Section 2 of Chapter 920 of the Statutes of 1970, relating to water pollution.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Section 1. The sum of four million dollars (\$4,000,000) is hereby appropriated for loans pursuant to this act from the Water Pollution Control Fund, from money deposited therein. The sum of two

million dollars (\$2,000,000) shall be allocated from the money deposited therein for the fiscal year 1967-1968 and the sum of two million dollars (\$2,000,000) shall be allocated from such fund from money deposited therein for the fiscal year 1968-1969 pursuant to Section 12.2 of Chapter 138, Statutes of 1964, First Extraordinary Session, to the State Water Quality Control Board for expenditure, without regard to fiscal years, for loans to the North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District of such amounts as the board determines is necessary, together with other funds available for such purpose, to permit each district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the area served by said districts.

Notwithstanding any other provision of this act, or the provisions of any existing loan contracts entered into pursuant to this act, that portion of the funds loaned to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District pursuant to this act equal to the amount of such funds, as determined by the State Water Resources Control Board, which would have been received in the form of a state grant under the Clean Water Bond Law of 1970 need not be repaid to the state by the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District, and such portion of the funds loaned to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District pursuant to this act shall be considered for all purposes a grant to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District for necessary sewage and storm drainage facilities to prevent and control water pollution in the area served by such districts; provided, however, that in the event of federal reimbursement of local funds used for construction of necessary sewage and storm drainage facilities, the portion of the funds which need not be repaid by the affected district and which shall be considered a grant shall not exceed the amount, as determined by the State Water Resources Control Board, which the state is required to agree to contribute to qualify for such federal reimbursement. Any federal funds received pursuant to any applicable federal act by the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District as a reimbursement for construction funds loaned to the district pursuant to this act shall be deposited in the State Water Quality Control Fund and credited to the amount owed by the district to the state under the loan contract entered into pursuant to this act.

SEC. 2. Section 3 of Chapter 1679 of the Statutes of 1967 is amended to read:

Sec. 3. The sum of one million eight hundred thousand dollars (\$1,800,000) deposited in the State Water Quality Control Fund during the 1967-1968 fiscal year pursuant to Section 12.4 of Chapter 138, Statutes of 1964, First Extraordinary Session, is hereby

appropriated and shall be paid by the State Controller to the State Water Resources Control Board for expenditure in making the loan to the South Tahoe Public Utility District pursuant to the provisions of Chapter 47, Statutes of 1966, First Extraordinary Session, in lieu of the expenditure of the money appropriated from the General Fund by Chapter 47, or to reimburse the General Fund for expenditures made therefrom in making such loan, or both. The State Water Resources Control Board succeeds to all powers and duties of the State Allocation Board under Chapter 47, Statutes of 1966, First Extraordinary Session, in relation to such loan.

In no event shall more than one million eight hundred thousand dollars (\$1,800,000) be available for loan to the South Tahoe Public Utility District for the purpose authorized by Chapter 47, Statutes of 1966, First Extraordinary Session, and all money received by the state in repayment of the loan by the district shall be deposited in the State Water Quality Control Fund rather than in the General Fund.

Notwithstanding any other provision of this act, or the provisions of any existing loan contract entered into pursuant to this act, that portion of the funds loaned to the South Tahoe Public Utility District for the purpose authorized by Chapter 47, Statutes of 1966, First Extraordinary Session, equal to the amount of such funds, as determined by the State Water Resources Control Board, which would have been received in the form of a state grant under the Clean Water Bond Law of 1970 need not be repaid to the state by the South Tahoe Public Utility District, and such portion of the funds loaned to the South Tahoe Public Utility District pursuant to this act shall be considered for all purposes a grant to the South Tahoe Public Utility District for the extension of facilities for the transportation of treated effluent of the South Lake Tahoe Basin from the summit of Luther Pass to Diamond Valley in Alpine County, provided, however, that in the event of federal reimbursement of local funds used for construction of necessary sewage facilities, the portion of such funds which need not be repaid by the district and which shall be considered a grant shall not exceed the amount, as determined by the State Water Resources Control Board, which the state is required to agree to contribute to qualify for such federal reimbursement. Any federal funds received pursuant to any applicable federal act by the South Tahoe Public Utility District as a reimbursement for construction funds loaned to the district pursuant to this act shall be deposited in the State Water Quality Control Fund and credited to the amount owed by the district to the state under the loan contract entered into pursuant to this act.

SEC. 3. Section 2 of Chapter 1356 of the Statutes of 1969 is amended to read:

Sec. 2. Notwithstanding the provisions of Article 3 (commencing with Section 13125) of Chapter 5 of Division 7 of the Water Code, or any other provision of law, the Tahoe City Public Utility District may enter into a contract with the State Water Resources Control Board during the 1969-1970 fiscal year for a construction loan under

Chapter 5 (commencing with Section 13100) of Division 7 of the Water Code in an amount not to exceed two million dollars (\$2,000,000) and shall not be required to hold any election on the proposition of whether or not the district shall enter into such contract.

Notwithstanding any other provision of this act, or the provisions of any existing loan contract entered into pursuant to Section 13412 of the Water Code, that portion of the funds loaned to the Tahoe City Public Utility District pursuant to this act and the provisions of Chapter 6 (commencing with Section 13400) of Division 7 of the Water Code equal to the amount of such funds, as determined by the State Water Resources Control Board, which would have been received in the form of a state grant under the Clean Water Bond Law of 1970 need not be repaid to the state by the Tahoe City Public Utility District, and such portion of the funds loaned to the Tahoe City Public Utility District pursuant to this act and the provisions of Chapter 6 (commencing with Section 13400) of Division 7 of the Water Code shall be considered for all purposes a grant to the Tahoe City Public Utility District for the construction of necessary sewage facilities; provided, however, that in the event of federal reimbursement of local funds used for construction of necessary sewage facilities, the portion of such funds which need not be repaid by the district and which shall be considered a grant shall not exceed the amount, as determined by the State Water Resources Control Board, which the state is required to agree to contribute to qualify for such federal reimbursement. Any federal funds received pursuant to any applicable federal act by the Tahoe City Public Utility District as a reimbursement for construction funds loaned to the district pursuant to this act shall be deposited in the State Water Quality Control Fund and credited to the amount owed by the district to the state under the loan contract entered into pursuant to this act.

SEC. 4. Section 3 of Chapter 1356 of the Statutes of 1969 is amended to read:

Sec. 3. The sum of five hundred thousand dollars (\$500,000) is hereby appropriated from the State Water Quality Control Fund, from money deposited therein pursuant to Section 12.2 of Chapter 138, Statutes of 1964, First Extraordinary Session, to the State Water Resources Control Board for expenditure, without regard to fiscal years, for a loan to the North Tahoe Public Utility District of such amounts as the board determines is necessary, together with other funds available for such purpose, to permit such district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by such district. The provisions of Sections 13125 and 13126 of the Water Code shall not apply to any loan made pursuant to this section.

Notwithstanding any other provision of this act, or the provisions of any existing loan contract entered into pursuant to this act, that portion of the funds loaned to the North Tahoe Public Utility District

pursuant to this act equal to the amount of such funds, as determined by the State Water Resources Control Board, which would have been received in the form of a state grant under the Clean Water Bond Law of 1970 need not be repaid to the state by the North Tahoe Public Utility District, and such portion of the funds loaned to the North Tahoe Public Utility District pursuant to this act shall be considered for all purposes a grant to the North Tahoe Public Utility District for necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by such district; provided, however, that in the event of federal reimbursement of local funds used for construction of necessary sewage and storm drainage facilities, the portion of such funds which need not be repaid by the district and which shall be considered a grant shall not exceed the amount, as determined by the State Water Resources Control Board, which the state is required to agree to contribute to qualify for such federal reimbursement. Any federal funds received pursuant to any applicable federal act by the North Tahoe Public Utility District as a reimbursement for construction funds loaned to the district pursuant to this act shall be deposited in the State Water Quality Control Fund and credited to the amount owed by the district to the state under the loan contract entered into pursuant to this act.

SEC. 5. Section 2 of Chapter 920 of the Statutes of 1970 is amended to read:

Sec. 2. The sum of two million dollars (\$2,000,000) is hereby appropriated from the State Water Quality Control Fund, from money deposited therein pursuant to Section 1 of this act, to the State Water Resources Control Board for expenditure for a loan to the Tahoe City Public Utility District of two million dollars (\$2,000,000), together with other funds available for such purpose, to permit such district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by such district. The provisions of Sections 13416 and 13417 of the Water Code shall not apply to any loan made pursuant to this section.

Notwithstanding any other provision of this act, or the provisions of any existing loan contract entered into pursuant to this act, that portion of the funds loaned to the Tahoe City Public Utility District pursuant to this act equal to the amount of such funds, as determined by the State Water Resources Control Board, which would have been received in the form of a state grant under the Clean Water Bond Law of 1970 need not be repaid to the state by the Tahoe City Public Utility District, and such portion of the funds loaned to the Tahoe City Public Utility District pursuant to this act shall be considered for all purposes a grant to the Tahoe City Public Utility District for necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by such district; provided, however, that in the event of federal reimbursement of local funds used for construction of necessary

sewage and storm drainage facilities, the portion of such funds which need not be repaid by the district and which shall be considered a grant shall not exceed the amount, as determined by the State Water Resources Control Board, which the state is required to agree to contribute to qualify for such federal reimbursement. Any federal funds received pursuant to any applicable federal act by the Tahoe City Public Utility District as a reimbursement for construction funds loaned to the district pursuant to this act shall be deposited in the State Water Quality Control Fund and credited to the amount owed by the district to the state under the loan contract entered into pursuant to this act.

SEC. 6. Notwithstanding the provisions of any existing agreements entered into pursuant to Section 13412 of the Water Code, Chapters 47 and 137 of the Statutes of 1966, First Extraordinary Session, Chapter 1356 of the Statutes of 1969, and Chapter 920 of the Statutes of 1970, such agreements shall be amended to reflect the changes made by this act as if the provisions of this act had been in effect at the time of the execution of the agreements.

SEC. 7. It is hereby declared necessary that a portion of the funds loaned pursuant to Chapter 6 (commencing with Section 13400) of Division 7 of the Water Code, Chapters 47 and 137 of the Statutes of 1966, First Extraordinary Session, Chapter 1356 of the Statutes of 1969, and Chapter 920 of the Statutes of 1970 to the South Tahoe Public Utility District, the North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District for necessary sewage and storm drainage facilities to prevent and control water pollution in the Lake Tahoe area served by such districts be made grants to such districts because of the urgent need for such facilities by such districts to correct a serious water pollution problem of concern to the entire state and the inability of such districts to raise the necessary funds to repay the amount of such loans.

SEC. 8. The Legislature hereby declares that the provisions of this act are not intended to create a precedent with respect to repayment of any funds loaned by the state but are justified only because of special circumstances existing within the Lake Tahoe Basin. State law has mandated that all waste within the Lake Tahoe watershed be transported outside the Lake Tahoe watershed in order to preserve the high quality of the waters of Lake Tahoe and to preserve the clarity and beauty of the waters of Lake Tahoe for the benefit of all the people of California.

SEC. 9. The provisions of this act, applicable only to the watershed of Lake Tahoe, are necessary to meet the unique problems of water quality control presented by the population growth and development of the area in relation to Lake Tahoe's geographic location and the necessity to export any waste produced in the area out of the Lake Tahoe Basin.

CHAPTER 914

An act to amend Section 10805 of the Education Code, relating to interdistrict attendance of pupils.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10805 of the Education Code is amended to read:

10805. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the governing board of the district in which the pupil lives shall pay to the district of attendance, at the close of each school year in which the pupil attends in the district of attendance an amount which shall be the lesser of subdivisions (a) or (b), as follows, or subdivision (c):

(a) The actual cost to the district in which the pupil lives of educating pupils in schools of the same grade level, less all state and federal funds apportioned to the district on account of the pupil, or

(b) The actual cost to the district of attendance of educating pupils in schools of the same grade level, less all state and federal funds apportioned to the district on account of the pupil, or

(c) An amount fixed by the county board of education, if:

(1) The school attended by the pupil is one which came into the possession of the district of attendance by reason of the annexation or transfer of territory, including the site of the school, of the district in which the pupil lives to the district of attendance, and

(2) The pupil would have normally attended the school had its site remained in the district in which the pupil lives.

The amount so fixed by the county board of education shall be:

(A) Not more than the actual cost to the district of attendance of educating of such pupil, less all state and federal funds apportioned to the district on account of the attendance of such pupil, but

(B) Not less than the actual average cost to the district in which the pupil lives of educating pupils in schools of the same grade level, less the average amount per pupil of all state and federal funds apportioned to the district on account of the attendance of pupils.

CHAPTER 915

An act to add Sections 19702.1, 19702.2, 50084, and 50085 to the Government Code, relating to public employees.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 19702.1 is added to the Government Code, to read:

19702.1. Hiring and promotion pursuant to this part shall conform to the Federal Civil Rights Act of 1964.

SEC. 2. Section 19702.2 is added to the Government Code, to read:

19702.2. Educational prerequisites or testing or evaluation methods which are not job-related shall not be employed as part of hiring practices or promotional practices conducted pursuant to this part unless there is no adverse effect.

Nothing in this section shall be interpreted to limit the authority of the State Personnel Board regarding the state merit selection and examining program under Article XXIV of the California Constitution and this division.

SEC. 3. Section 50084 is added to the Government Code, to read:

50084. Each local agency's hiring practices and promotional practices shall conform to the Federal Civil Rights Act of 1964.

SEC. 4. Section 50085 is added to the Government Code, to read:

50085. No local agency shall, as a part of its hiring practices or promotional practices, employ any educational prerequisites or testing or evaluation methods which are not job-related unless there is no adverse effect.

SEC. 5. The Legislature finds and declares that fair and nondiscriminatory hiring practices by cities and counties is a matter of statewide interest and concern.

 CHAPTER 916

An act to add Section 451b to the Penal Code, relating to arson.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 451b is added to the Penal Code, to read:

451b. (a) Any prisoner who is in custody in any local detention facility as defined in Section 6031.4 who maliciously starts an unauthorized fire is guilty of a misdemeanor.

(b) As used in this section, an "unauthorized fire" is one willfully set without the express or implied permission of the penal institution. It shall include, but not by way of limitation, fires started in mattresses, papers, rags, blankets, and paper cups without regard to the potential physical damage or harm that may naturally be expected to result therefrom.

CHAPTER 917

An act to amend Section 19523 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 19523 of the Revenue and Taxation Code is amended to read:

19523. The amount of assistance shall be based on claimant's household income for the period set forth in Section 19501.5. The percentage of assistance for which each claimant shall be eligible shall be based on the following scale:

If the total household income (as defined in this part) is not more than:	The percentage of tax on the first \$7,500 of value (as determined for tax purposes) used to provide assistance is:
\$1,400	96%
1,800	94
2,200	92
2,400	90
2,600	88
2,800	86
3,000	84
3,200	82
3,400	80
3,600	78
3,800	76
4,000	74
4,200	70
4,400	66
4,600	62
4,800	58

5,000	54
5,200	50
5,400	45
5,600	40
5,800	36
6,000	32
6,500	26
7,000	21
7,500	16
8,000	12
8,500	8
9,000	6
9,500	5
10,000	4

SEC. 2. The provisions in this act affecting changes in the Senior Citizens Property Tax Assistance Law shall be applied with respect to claims for assistance for the 1971-1972 fiscal year and fiscal years thereafter.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide property tax assistance to senior citizens on a more equitable basis at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 918

An act to add Chapter 6 (commencing with Section 8250) to Division 8 and Chapter 5.5 (commencing with Section 18325) to Part 6 of, Division 9 of the Welfare and Institutions Code, relating to special services, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 8250) is added to Division 8 of the Welfare and Institutions Code, to read:

CHAPTER 6. OFFICE OF SPECIAL SERVICES, HUMAN RELATIONS AGENCY

8250. There is hereby created in the Human Relations Agency an Office of Special Services under the control of an executive officer

appointed by and holding office at the pleasure of the Governor. The duties and functions of this office shall be to:

(a) Coordinate, oversee, direct and harmonize the work of the several offices, councils, commissions and boards in the Human Relations Agency.

(b) Assist such offices, councils, commissions and boards in meeting the goals and priorities each such unit has established.

(c) Assure that there is no duplication of work, effort or programs among or between the several offices, councils, commissions and boards.

(d) Render such services as may be needed by any such office, council, commission or board.

(e) Perform such special studies or services as may be requested by the Secretary of the Human Relations Agency, or by any department within the Human Relations Agency with the express approval of the Secretary.

8251. The Office of Special Services may enter into agreements and contracts with any person, agency, corporation or other legal entity and take such other action as is necessary to carry out the purposes of this chapter. The office may require state departments to contract with it for services to carry out the provisions of this chapter.

8252. The Office of Special Services may accept and expend grants, gifts and legacies of money, and with the consent of the Department of Finance, may accept, manage, and expend grants, gifts, and legacies of other properties in furtherance of the purposes of this chapter.

SEC. 2. Chapter 5.5 (commencing with Section 18325) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5.5. NUTRITION PROGRAM FOR THE ELDERLY

18325. This chapter shall be known and may be cited as the McCarthy-Kennick Nutrition Program for the Elderly Act of 1972.

18325.5. It is the intention of the Legislature that the State of California through state, local governmental, and private agencies shall make a maximum contribution of their in-kind resources and in-kind facilities in order to implement the provisions of Public Law 92-258, the Nutrition Program for the Elderly. Public Law 92-258 has designated eight million five hundred fourteen thousand seventy-eight dollars (\$8,514,078) in federal funds as being available to California for the 1972-73 fiscal year and twelve million seven hundred seventy-one thousand one hundred seventeen dollars (\$12,771,117) for the 1973-74 fiscal year for the purposes specified in the law. Public Law 92-258 states that the federal government will provide 90 percent of the cost of approved nutrition programs and that the local or state 10 percent may be "in-kind" contributions.

18326. The California Commission on Aging, with the approval of the Secretary of the Human Relations Agency, shall develop and

submit to the federal government the state plan for implementation of Public Law 92-258 pursuant to this chapter. Such plan shall be submitted by October 1, 1972, and by May 1st of each succeeding year. While such state plan is in preparation, any private agency or public agency, with the consent of the jurisdiction involved, may submit to the California Commission on Aging for review and consideration its proposal for funding and assistance pursuant to Public Law 92-258. The commission shall do everything feasible to assist such private and state or local agencies in the preparation of their proposals.

18327. The state plan referred to in Section 18326 shall include, but not be limited to, the following:

(1) Establishment of projects which, five or more days per week, provide at least one hot meal per day and any additional meals which the contracting agency or organization may elect to provide, each of which assures recommended dietary allowances;

(2) Provision of such nutrition projects for individuals aged 60 or over who are eligible;

(3) Furnishing of sites for such nutrition projects in close proximity to concentrations of eligible individuals' residences, such as schools, churches, senior centers and facilities serving the aging;

(4) Utilization of administrative methods to assure maximum participation of eligible individuals;

(5) Provision of special menus, where feasible, to meet particular dietary needs arising from health or religious requirements or ethnic backgrounds;

(6) Provision of settings conducive to including, as a part of such projects, recreational activities, information, health and welfare counseling, and referral services;

(7) Provision of appropriate modes of transportation essential to maximum participation of eligible individuals confined to their homes;

(8) Establishment and administration of such projects with the advice of persons competent in the field and of older Californians who will themselves participate in the program.

(9) Nutrition education.

18328. The California Commission on Aging, with the concurrence of the Secretary of the Human Relations Agency, shall submit to the Legislature by May 1 of each year a report on the state's implementation of this chapter. The report shall include, but not be limited to, the following:

(1) A summary of all submitted local plans, including a description of any state and federal action taken thereon.

(2) The estimated current and potential in-kind contributions available within the state which are in addition to those included within plans submitted by private agencies, state, and local governments.

(3) The extent to which the staff within the Human Relations Agency, including the California Commission on Aging is giving

assistance to local agencies in the development of their plans.

SEC. 3. There is hereby appropriated to the Human Relations Agency the sum of four hundred fifty thousand dollars (\$450,000) from the General Fund for the 1972-1973 fiscal year, to be expended as follows:

(a) Fifty thousand dollars (\$50,000) for the purpose of carrying out the duties and functions specified in paragraphs (a) through (e) of Section 8250 of the Welfare and Institutions Code until the Office of Special Services becomes operational, at which time the unexpended balance shall be transferred to said office for the purposes of Chapter 6 (commencing with Section 8250) of Division 8 of the Welfare and Institutions Code.

(b) Two hundred fifty-three thousand dollars (\$253,000) to be transferred by the Director of Finance upon certification of the Human Relations Agency and the California Commission on Aging that the "in-kind" contribution of a private, state or local governmental agency is not sufficient to secure adequate federal funds for the purpose of implementing Public Law 92-258. Where local nutritional projects may be eligible for funding under federal programs for serving older citizens; and where such projects are to be operated by and serve the needs of minority, Indian, and limited English-speaking eligible individuals; and where needed local matching funds are unavailable, state funds shall be made available to local governmental jurisdictions or voluntary organizations up to and not to exceed 10 percent of total project costs, or a maximum of fifty thousand dollars (\$50,000) whichever is the lesser sum, for each local project approved.

(c) One hundred forty-seven thousand dollars (\$147,000) of the amount appropriated pursuant to Item 236.1 of the Budget Act of 1972 to be expended in accordance with subdivision (b) of this section.

SEC. 3.5. The provisions of Section 1 of this act creating the Office of Special Services shall become operative the 61st day after final adjournment of the 1972 Regular Session of the Legislature. Until such time the provisions of Section 1 shall be administered by the Human Relations Agency.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to develop and submit the state plan to the federal government to implement the Nutrition Program for the Elderly, it is essential that this act go into effect immediately.

CHAPTER 919

An act to amend Sections 901, 903, 2811 and 2892.5 of the Business and Professions Code, relating to health occupations.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 901 of the Business and Professions Code is amended to read:

901. There is established in the Department of Consumer Affairs, to be transferred to the Department of Health whenever the healing arts licensing agencies are transferred to the Department of Health in accordance with the Governor's Reorganization Plan No. 1 of 1970, a Council on Continuing Education for the Health Occupations, consisting of the director or his designee, who shall serve as chairman of the council, and six additional members, appointed by the director, as follows:

- (a) One administrator of a licensed hospital.
- (b) Two registered nurses.
- (c) Two licensed vocational nurses.
- (d) One public member.

The council shall be appointed and begin its meetings by July 1, 1972.

At its first meeting, the council shall determine by lot the terms of office of its appointed members, as follows: Two members shall serve for a term ending June 30, 1974, two for a term ending June 30, 1975, and two for a term ending June 30, 1976. Thereafter, the terms of appointed members will be for a period of four (4) years, ending on June 30.

No person shall be appointed for a third consecutive term of office, but a member appointed for less than two years remaining in a term may, after completion of the partial term, be appointed for two consecutive additional terms of office.

SEC. 2. Section 903 of the Business and Professions Code is amended to read:

903. The Council on Continuing Education for the Health Occupations, by regulation, shall establish standards for the continuing education in each of the fields covered by this chapter which will assure reasonable currency of knowledge as a basis for safe practice by licensees in each such field. The standards shall be established in a manner to assure that a variety of alternatives is available to licensees to comply with the continuing education requirements for renewal of licenses and taking cognizance of specialized areas of practice. Such alternatives include, but are not limited to, academic studies, in-service education, institutes, seminars, lectures, conferences, workshops, extension studies, and home study programs. The council shall establish continuing

education standards and define alternatives for meeting such standards in the occupations subject to this chapter by January 1, 1975, which shall be effective for the succeeding two-year period, and shall renew their standards, with whatever amendments are necessary to insure reasonable currency of knowledge for licensees in the occupations covered by this chapter, every two years thereafter. The council may organize committees from its membership to formulate proposed standards in each occupational field, and shall, in addition, invite and consider recommendations from each of the affected licensing agencies or boards, from organizations representing nurses, and from persons working in the fields covered by this chapter, concerning continuing education standards and alternatives for meeting such standards. In developing standards for continuing education, the council shall conduct public hearings at which recommendations may be submitted, and shall survey and evaluate existing continuing education programs, including in-service training programs, and shall grant recognition to such existing programs whenever possible. No later than the effective date of standards adopted pursuant to this section, each of the affected licensing agencies and boards shall notify each of its licensees of the standards. The occupations subject to this chapter are those of licensed vocational nurse and registered nurse.

SEC. 3. Section 2811 of the Business and Professions Code is amended to read:

2811. (a) Each person holding a regular renewable license under this chapter shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

(b) After January 1, 1977, the board shall require, as a condition to the renewal of such license granted pursuant to the provisions of this chapter, that the holder thereof submit proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the registered nurse field occurring since the issuance of his certificate, or the last renewal thereof, whichever

last occurred, either by pursuing an approved course or courses of continuing education in the registered nurse field or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board designed to test his knowledge of developments occurring in the registered nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

Whenever a license has lapsed because of failure to comply with this subdivision, the board shall notify the licensee of all courses, examinations, and other equivalent means which in the opinion of the board would bring the licensee into compliance with this subdivision if completed. Such license may be reinstated, without time limit, upon proof satisfactory to the board that the licensee has informed himself of current developments in the registered nurse field since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by the successful completion of a refresher course or by other means deemed equivalent by the board, including any means specified in the notice to the licensee, and by payment of fees as provided in Section 2815.

(c) The board shall accept as evidence of current knowledge, meeting the requirements of subdivision (b) of this section, but shall not necessarily be limited thereto, the successful completion of a course or courses of continuing education in the registered nurse field which has been approved for this purpose by the department under standards established by the Council on Continuing Education for the Health Occupations, and as provided for in Chapter 1.5 (commencing with Section 900) of this division.

(d) The board may, by regulation, provide for temporary exemption from the provisions of subdivision (b) of this section in the case of licensees serving in overseas military service, and in other special circumstances wherein compliance would, in the board's opinion, constitute an unreasonable hardship for the licensees.

(e) This section shall not apply to licensees during the first two years immediately following their graduation from nursing school.

SEC. 4. Section 2892.5 of the Business and Professions Code is amended to read:

2892.5. (a) After January 1, 1977, the board shall require, as a condition to the renewal of each license granted pursuant to the provisions of this chapter, that the holder thereof submit proof satisfactory to the board that, during the preceding two-year period, he has informed himself of developments in the vocational nurse field occurring since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by pursuing an approved course or courses of continuing education in the vocational nurse field or by other means deemed equivalent by the board. In lieu of submitting such proof, the license holder, if he so desires, may take and successfully complete an examination given by the board, designed to test his knowledge of developments occurring in the

vocational nurse field since the issuance of his license, or the last renewal thereof, whichever last occurred.

Whenever a license has lapsed because of failure to comply with this section, the board shall notify the licensee of all courses, examinations, and other means which in the opinion of the board would bring the licensee into compliance with this subdivision if completed. Such license may be reinstated, without time limit, upon proof satisfactory to the board that the licensee has informed himself of current developments in the vocational nurse field since the issuance of his certificate, or the last renewal thereof, whichever last occurred, either by the successful completion of a refresher course or by other means deemed equivalent by the board, including any means specified in the notice to the licensee, and upon payment of fees as provided in Section 2895.

(b) The board shall accept as evidence of current knowledge, meeting the requirements of this section, but shall not necessarily be limited thereto, the successful completion of a course or courses of continuing education in the vocational nurse field which has been approved for this purpose by the department under standards established by the Council on Continuing Education for the Health Occupations as provided for in Chapter 1.5 (commencing with Section 900) of this division.

(c) The board may, by regulation, provide for temporary exemption from the provisions of subdivision (a) of this section in the case of licensees serving in overseas military service, and in other special circumstances wherein compliance would, in the board's opinion, constitute an unreasonable hardship for the licensees.

(d) This section shall not apply to licensees during the first two years immediately following their graduation from vocational nursing school.

CHAPTER 920

An act to place specified constitutional amendments on the ballot, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972]

The people of the State of California do enact as follows:

SECTION 1. (a) There shall be submitted to the people at the general election, to be held on the seventh day of November, 1972, in addition to those constitutional amendments qualifying for the November 7, 1972 general election ballot pursuant to Section 3527 of the Election Code, Assembly Constitutional Amendments No. 2, 16, 26, 42, 48, 51, and 95 and Senate Constitutional Amendments No. 10, 20, 23, 32, 59, and 70 of the 1972 Regular Session. Each of these

constitutional amendments shall qualify individually for submission to the people provided each is adopted by the Legislature on or before August 4, 1972, and not placed on the 1972 direct primary ballot. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measures submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of a constitutional amendment at the 1972 Regular Session on or before August 4, 1972, whichever occurs later, the author and first coauthor of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced or if an argument against the measure has not been timely filed by the member appointed to prepare the argument, the presiding officer of that house shall notify the news media of that fact and shall request that interested persons file such an argument within five days after such notice. From among the arguments submitted, the presiding officer shall select the argument to be filed with the Secretary of State. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of selection. Rebuttal arguments shall be submitted pursuant to Section 3565.5 of the Elections Code, except that rebuttal arguments shall be filed within three days after the date on which arguments are to be filed with the Secretary of State.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of a constitutional amendment at the 1972 Regular Session on or before August 4, 1972, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section, shall request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code, and shall also request the Legislative Analyst to prepare a cost analysis of the measure in accordance with Section 3566.3 of the Elections Code. Said title and said analysis of the Legislative Counsel, and said analysis of the Legislative Analyst shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of such constitutional amendment, whichever occurs later. Each measure submitted pursuant to this section shall be designated on the ballot at the election by its ballot title.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the specified constitutional amendments on the November 7, 1972 general election ballot, it is necessary that this act go into immediate effect.

CHAPTER 921

An act relating to the transfer of property by the Director of General Services.

[Approved by Governor August 15, 1972 Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services may grant at no cost to Mendocino County upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, and subject to the terms and conditions of Sections 3 and 4 of this act, all or any part of the state mental hospital property in Mendocino County. No other sale of the property may be made within 120 days of the operative date of this act.

SEC. 2. The Director of General Services may, with the approval of the Director of Mental Hygiene, also transfer such personal property located on the real property conveyed as, in the judgment of the director, is reasonable, necessary and desirable for the use of the property for the purposes to which the property will be put by Mendocino County.

SEC. 3. There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands conveyed and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from such lands.

SEC. 4. In the event the county ceases to use the property transferred by this act for a public purpose, the property shall revert to the state.

CHAPTER 922

An act to amend Sections 1, 2 and 5 of Chapter 1524 of the Statutes of 1970, relating to mentally disordered minors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1524 of the Statutes of 1970 is amended to read:

Section 1. The Superintendent of Public Instruction shall, subject to the availability of state or federal funds, select not more than four existing development centers for handicapped minors established pursuant to Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of the Education Code, for the conduct of a pilot program for mentally disordered minors. Insofar as possible, such centers shall be selected from a representative cross-section of existing programs.

As used in this act, a "mentally disordered minor" means a child who is determined by the governing board of the school district maintaining a development center for handicapped minors to be unable, because of mental disorders, to adequately function in the regular school program.

SEC. 2. Section 2 of Chapter 1524 of the Statutes of 1970 is amended to read:

Sec. 2. The pilot program in the selected development centers shall commence on July 1, 1971, and shall terminate on June 30, 1973.

SEC. 3. Section 5 of Chapter 1524 of the Statutes of 1970 is amended to read:

Sec. 5. The Superintendent of Public Instruction shall submit an evaluation report on the pilot program conducted pursuant to this act, together with recommendations as to the feasibility of establishing the program on a statewide basis, to the Legislature not later than September 1, 1973.

The evaluation of the pilot program shall include but need not be limited to the following factors:

(a) A description of the physical, psychological and educational characteristics of the pilot sample group.

(b) A description of any changes in physical, psychological and educational achievement at six-month intervals.

(c) A description of specific programs provided, the types of personnel employed, and the costs thereof.

(d) An analysis of the impact of the inclusion of mentally disordered children on other nonmentally disordered children and the quality of the instruction.

SEC. 4. Of the funds reappropriated by Section 11.10 of the Budget Act of 1972, one hundred thirty-five thousand dollars

(\$135,000) shall be made available to the Superintendent of Public Instruction to carry out the provisions of Chapter 1524 of the Statutes of 1970.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act must take immediate effect in order to continue the pilot program for mentally disordered minors without interruption.

CHAPTER 923

An act to add Sections 18107 and 20108 to the Government Code, and to add Sections 5119, 5664, 5755.5 and 5755.6 to the Welfare and Institutions Code, relating to the mental health system, and making an appropriation therefor.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18107 is added to the Government Code, to read:

18107. Any employee of the State Department of Mental Hygiene transferred to county or local mental health programs pursuant to Section 5664 of the Welfare and Institutions Code, shall be entitled while employed in a county or local mental health program, to use for a period of five years following transfer any unused sick leave balance the employee had accumulated while in state employment and had remaining to his credit at the time of termination of state employment. Such sick leave shall be held in a reserve account by the state to be used, if necessary, only at such time as the transferred employee's sick leave benefits accrued as a county employee become exhausted. When county sick leave benefits are exhausted such employee shall be entitled to utilize his state reserve account sick leave, until exhausted. The state reserve account for sick leave shall be administered according to the sick leave provisions of Division 5 (commencing with Section 18000) of Title 2 and corresponding State Personnel Board rules. Upon reemployment with the state, a transferred employee's sick leave credits will be reduced by the number of hours used from the state reserve during his employment in the county or local mental health program. The cost of preserving and paying for the state reserve account sick leave shall be totally funded by the state.

SEC. 2. Section 20108 is added to the Government Code, to read:

20108. To the extent possible, the board shall resolve conflicts between retirement systems applicable to state hospital employees

transferred to county or local mental health programs pursuant to Section 5664 of the Welfare and Institutions Code.

SEC. 3. Section 5119 is added to the Welfare and Institutions Code, to read:

5119. When a person who is an employee of the Department of Mental Hygiene at the time of employment by a county in a county mental health program or when a person who has been an employee of the Department of Mental Hygiene within the 12-month period prior to his employment by a county in a county mental health program, the board of supervisors may, to the extent feasible, allow such person to retain as a county employee, those employee benefits to which he was entitled or had accumulated as an employee of the Department of Mental Hygiene or provide such employee with comparable benefits provided for other county employees whose service as county employees is equal to the state service of the former employee of the Department of Mental Hygiene. Such benefits include, but are not limited to, retirement benefits, seniority rights under civil service, accumulated vacation and sick leave.

SEC. 4. Section 5664 is added to the Welfare and Institutions Code, to read:

5664. Each county Short-Doyle plan adopted for the 1973-74 fiscal year and each fiscal year thereafter for a county or counties in which a state hospital is scheduled to be closed shall contain a complete program, to be developed jointly by the State Department of Mental Hygiene and the county, for absorbing as many of the staff of such hospital into the local mental health programs as may be needed by the county. Such programs shall include a redefinition of occupational positions, if necessary, and a recognition by the counties of licensed psychiatric technicians for treatment of the mentally disordered, mentally retarded, drug abusers, and alcoholics.

The county may establish retraining programs for the State Department of Mental Hygiene employees transferring to county mental health programs provided such programs are financed entirely with state and federal funds made available for that purpose.

Beginning July 1, 1973, the State Department of Mental Hygiene shall notify the counties and the Legislature at least nine months in advance of planned state hospital closures.

SEC. 5. Section 5755.5 is added to the Welfare and Institutions Code, to read:

5755.5. The five-year state plan for community mental health services pursuant to Section 5755 shall include a detailed analysis of the alternatives being considered in terms of projected future hospital closures.

SEC. 6. Section 5755.6 is added to the Welfare and Institutions Code, to read:

5755.6. To the extent feasible, the full supporting details of any planned state hospital closures shall be included in the budget required by the State Constitution to be submitted by the Governor at each regular session of the Legislature for the 1973-74 fiscal year

and each fiscal year thereafter.

SEC. 7. There is hereby appropriated to the State Department of Mental Hygiene from the General Fund the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the purposes of funding county retraining programs established pursuant to Section 5664 of the Welfare and Institutions Code.

CHAPTER 924

An act to amend Section 900 of the Welfare and Institutions Code, relating to support.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 900 of the Welfare and Institutions Code is amended to read:

900. (a) If it is necessary that provision be made for the expense of support and maintenance of a ward or dependent child of the juvenile court or of a minor person concerning whom a petition has been filed in accordance with the provisions of this chapter, the order providing for the care and custody of such ward, dependent child or other minor person shall direct that the whole expense of support and maintenance of such ward, dependent child or other minor person, up to the amount of twenty dollars (\$20) per month be paid from the county treasury and may direct that an amount up to any maximum amount per month established by the board of supervisors of the county be so paid. The board of supervisors of each county is hereby authorized to establish, either generally or for individual wards or dependent children or according to classes or groups of wards or dependent children, a maximum amount which the court may order the county to pay for such support and maintenance. All orders made pursuant to the provisions of this section shall state the amounts to be so paid from the county treasury, and such amounts shall constitute legal charges against the county.

(b) This section is applicable to a minor who is the subject of a program of supervision undertaken by the probation department pursuant to Section 654 and who is temporarily placed out of his home by the probation department, with the approval of the court and the minor's parent or guardian, for a period not to exceed seven days.

CHAPTER 925

An act to amend Sections 70142 and 72190 of, and to add Section 72407 to, the Government Code, relating to court officers.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 70142 of the Government Code is amended to read:

70142. Every court commissioner shall be a citizen of the United States, a resident of this state, and, if required by the court for which he is to be a commissioner, shall have been admitted to practice before the Supreme Court of the state for a period of at least five years immediately preceding his appointment. He shall hold office during the pleasure of the court appointing him and shall not engage in the private practice of law.

Notwithstanding any other provision of law, a court commissioner in any county with a population of 3,000,000 or more who has been duly appointed and has thereafter been retired for service, may be assigned by the presiding judge of a court to serve as a court commissioner of the court for such periods as he is needed for the prompt and efficient discharge of the business of that court. While so serving, he shall be paid the full compensation of a court commissioner, payable as follows: He shall continue to receive his retirement allowance, and in addition the county shall pay him the amount equal to the difference between such retirement allowance and such full compensation. Such employment shall not operate to reinstate him as a member of the county retirement system or to terminate or suspend his retirement rights or allowance, and no deductions shall be made from his compensation as contributions to the retirement system.

SEC. 2. Section 72190 of the Government Code is amended to read:

72190. Within the jurisdiction of the court and under the direction of the judges, commissioners of municipal courts shall exercise all the powers and perform all of the duties authorized by law to be performed by commissioners of superior courts and such additional powers and duties as may be prescribed by law. They shall possess the same qualifications the law requires of a judge and shall hold office during the pleasure of the court appointing them and shall not engage in the private practice of law. They shall be ex officio deputy clerks.

Notwithstanding any other provision of law, a commissioner of a municipal court of any judicial district in any county with a population of 3,000,000 or more who has been duly appointed and has thereafter been retired for service, may be assigned by the presiding judge of a court to serve as a court commissioner of the court for such

periods of time as he is needed for the prompt and efficient discharge of the business of that court. While so serving, he shall be paid the full compensation of a court commissioner, payable as follows: He shall continue to receive his retirement allowance, and in addition the county shall pay him the amount equal to the difference between such retirement allowance and such full compensation. Such employment shall not operate to reinstate him as a member of the county retirement system or to terminate or suspend his retirement rights or allowance, and no deductions shall be made from his compensation as contributions to the retirement system.

SEC. 3. Section 72407 is added to the Government Code, to read:

72407. Notwithstanding any other provision of law, a traffic referee in any county with a population of 3,000,000 or more who has been duly appointed and has thereafter been retired for service, may be assigned by the presiding judge of a court to serve as a traffic referee of the court for such periods as he is needed for the prompt and efficient discharge of the business of that court. While so serving, he shall be paid the full compensation of a traffic referee, payable as follows: He shall continue to receive his retirement allowance, and in addition the county shall pay him the amount equal to the difference between such retirement allowance and such full compensation. Such employment shall not operate to reinstate him as a member of the county retirement system or to terminate or suspend his retirement rights or allowance, and no deductions shall be made from his compensation as contributions to the retirement system.

CHAPTER 926

An act to amend Section 55501 of the Water Code, relating to collection of liens.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 55501 of the Water Code is amended to read:

55501. The board may fix and collect rates or charges for the use and supply of water furnished by the system, and to apply the receipts from the rates or charges to the expenses of the administration and government of the district and the use, operation and extension of the waterworks and water supply.

The revenues obtained from such rates or charges may be in lieu of or supplemental to revenues obtained by the levy of taxes.

The district board may provide for the collection of the charges for services rendered in the current or immediately preceding fiscal year as a part of the annual general county tax bill provided the

district furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such case the charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes.

If the district collects charges through the county general tax bill, the amount of the charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

CHAPTER 927

An act to add Section 18406 to the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18406 is added to the Health and Safety Code, to read:

18406. No enforcement agency shall approve any mobilehome park fronting upon any coastline, shoreline, river, or waterway or upon any lake or reservoir owned in whole or part by any public agency, including the state, unless the city, county, or city and county having jurisdiction over the property has determined that reasonable public access by fee or easement from public highways exists to such coastline, shoreline, river, waterway, lake or reservoir.

Any public access route or routes required to be provided by the owner shall be expressly designated on a map filed with the county recorder of the county in which such mobilehome park lies, and such map shall specify the name of the owner of, and particularly describe the property involved, and designate the governmental entity to which such route or routes are dedicated. A governmental entity shall accept such dedication within three years after such recordation or such dedication shall be deemed abandoned.

Any public access required pursuant to this section need not be provided through or across the mobilehome park if the city, county, or city and county having jurisdiction has made a finding that reasonable public access is otherwise available within a reasonable distance from such mobilehome park. Any such findings shall be set

forth on the recorded map required by this section.

Nothing in this section shall be construed as requiring a mobilehome park owner to improve any access route or routes which are primarily for the benefit of nonresidents of such mobilehome park.

CHAPTER 928

An act to amend Section 21202 of the Vehicle Code, relating to bicycles.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21202 of the Vehicle Code is amended to read:

21202. (a) Except as provided in subdivision (b), every person operating a bicycle upon a roadway shall ride as near the right-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

CHAPTER 929

An act to repeal Division 8 (commencing with Section 9201) of, and to add Division 8 (commencing with Section 9200) to, the Education Code, relating to instructional materials, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Division 8 (commencing with Section 9201) of the Education Code is repealed.

SEC. 2. Division 8 (commencing with Section 9200) is added to the Education Code, to read:

DIVISION 8. INSTRUCTIONAL MATERIALS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Legislative Intent

9200. It is the intent and purpose of the Legislature in enacting this division to provide for the acquisition of instructional materials for the elementary and secondary schools.

9201. For purposes of any provision of the California Constitution which requires the adoption of textbooks for use in the elementary schools, the state board shall have the power, subject to the provisions of this division, to adopt one or more separate series of textbooks or instructional materials systems for any of the several courses offered in the elementary schools, or for any combination of such courses. For such purposes the term "elementary schools" shall have the meaning prescribed by Section 9231.

9202. The Legislature hereby recognizes that, because of the common needs and interests of the citizens of this state and the nation, there is a need to establish broad minimum standards and general educational guidelines for the selection of instructional materials for the public schools, but that, because of economic, geographic, physical, political, educational, and social diversity, specific choices about instructional materials need to be made at the local level.

9203. The Legislature further recognizes that by enacting Division 7 (commencing with Section 7500) of the Education Code it gave school district governing boards broad powers to establish courses of study, and that school district governing boards must have the ability to choose instructional materials which are appropriate to their courses of study.

Article 2. Definitions

9220. For the purpose of this division the definitions set forth in this article shall govern the construction of this division.

9221. "Instructional material" means all materials designed for use by pupils and their teachers as a learning resource and which help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted and may include textbooks, educational materials and tests.

9221.3. "Basic instructional material" means instructional materials designed for use by pupils as a principal learning resource and which meet in organization and content the basic requirements of the intended course.

9221.5. "Supplementary instructional materials" means instructional materials designed to serve, but not limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils caused by a condition of cultural disparity.

9222. "Instructional materials system" means a comprehensive collection of related instructional materials which are designed to improve learning in one or more subjects and are so designed that all parts of the system are necessary to produce the results intended.

9223. "Textbook" means a book designed for use by pupils as a source of instructional material, or a teachers edition of the same book.

9224. "Educational material" means any audiovisual or manipulative device including, but not limited to films, tapes, flashcards, kits, phonograph records, study prints, graphs, charts and multimedia systems. Educational materials do not constitute equipment as defined in the California School Accounting Manual.

9225. "Test" means any device used to measure the knowledge or achievement of students.

9226. "State board" means the State Board of Education.

9227. "Commission" means the Curriculum Development and Supplemental Materials Commission.

9228. "District board" means that board of education or governing board of any county, city and county, city or other district which has the duty to provide for the education of the children in its county, city and county, city, or district.

9229. "Governing boards" means the state board and any one or more district boards.

9230. "School official" means any member of any governing board, any city, county, city and county or district superintendent of schools, and any principal, teacher or other employee under his charge.

9231. "Elementary school" means all public schools in which instruction is given through grade 8 or in any one or more of such grades.

9232. "High school" means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of such grades.

9233. "Nonpublic school" means a school satisfying the requirements of Section 12154 of the Education Code, if such school is exempt from taxation under Section 214 of the Revenue and Taxation Code.

9234. "Learner verification" means the thorough evaluation of instructional materials for their effectiveness with pupils.

9235. "Curriculum framework" means an outline of the components of a given course of study designed to provide state

direction to school districts in the provision of instructional programs.

Article 3. Content Requirements for Instructional Materials

9240. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of American Indians, American Negroes, Mexican-Americans, Asian Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

9240.5. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which accurately portray, whenever appropriate:

(a) Man's place in ecological systems and the necessity for the protection of our environment.

(b) The effects on the human system of the use of tobacco, alcohol, narcotics and restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances.

9241. When adopting instructional materials for use in the schools, governing boards shall require such materials as they deem necessary and proper to encourage thrift, fire prevention and the humane treatment of animals and people.

9242. When adopting instructional materials for use in the schools governing boards shall require, when appropriate to the comprehension of pupils, that textbooks for social science, history or civics classes contain the Declaration of Independence and the Constitution of the United States.

9243. No instructional materials shall be adopted by any governing board for use in the schools which contains:

(a) Any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex or occupation.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

9244. All instructional materials adopted by any governing board for use in the schools shall be suited to the needs and comprehension of pupils at their respective grade levels. Such materials shall be accurate, objective and current.

9245. Any governing board may conduct an investigation of the compliance of any instructional materials which it adopts with the requirements of this article.

9246. In the event that after the good faith acquisition of

instructional materials by a governing board, the instructional materials are found to be in violation of this article and the governing board is unable to acquire other instructional matters which meet the requirements of this article in time for them to be used when the acquired materials were planned to be used, the governing board may use the acquired materials but only for that academic year.

Article 4. Requirements for Publishers and Manufacturers

9260. Every publisher or manufacturer of instructional materials offered for adoption or sale in California shall comply with all the requirements and provisions of this division.

9261. A publisher or manufacturer shall:

(a) Furnish the instructional materials offered by him at a price in the State of California which, including all costs of transportation to that place, shall not exceed the lowest price at which the publisher offers said instructional materials for adoption or sale to any state or school district in the United States.

(b) Automatically reduce the price of said instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.

(c) Provide any instructional materials free of charge in the State of California to the same extent as that received by any state or school district in the United States.

(d) Guarantee that all copies of any instructional materials sold in California shall be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States, and shall be kept revised, free from all errors, and up to date as may be required by the state board.

(e) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, and that he will not enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State of California.

(f) Maintain an office and depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.

(g) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the governing board in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subdivisions (a) and (b) and (e), and in the amount of three times the total value of the instructional materials and services which the governing board is entitled to receive free of charge under subdivision (c).

9262. The provisions of Section 9261 shall apply to the purchase of instructional materials under Sections 7203 and 7352.

9263. Any governing board shall order any publisher or

manufacturer who violates any provision of this division to cease to offer or sell any instructional materials to that governing board. If such an order is made, it shall be unlawful for that governing board to purchase or order instructional materials from such publisher or manufacturer.

Article 5. Prohibited Acts

9280. No school official shall require any pupil, except pupils in classes for adults or community colleges, to purchase any instructional material for the pupils' use in the schools.

9281. No publisher or manufacturer of instructional materials, nor any of his representatives, shall offer or give any emolument, money, or other valuable thing, or any inducement, to any school official to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

9282. No school official shall accept any emolument, money or other valuable thing, or any inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

9283. Any publisher or manufacturer of instructional materials or his representative, or any school official who violates any of the provisions of this article is guilty of a misdemeanor. Any school official who violates any of the provisions of this article shall, in addition to any other penalty, be removed from his official position.

9284. Nothing in this article shall be construed to prevent any publisher, manufacturer, or agent from supplying for purposes of examination necessary sample copies of instructional materials to any school official.

9285. Nothing in this article shall be construed to prevent a school official from receiving sample copies of instructional materials.

9286. Nothing contained in this article shall be construed to prohibit or restrict a school official from receiving royalties or other compensation from the publisher or manufacturer of instructional materials written, designed, or prepared by such school official, and adopted or purchased by any governing board, other than compensation paid as commission to the school official for negotiating sales to governing boards. No district shall have or claim the right to receive any such royalty or other compensation due to any school official employed by the district unless the instructional material was written or prepared during the normal schoolday during which the school official is required by the district to be on duty.

Article 6. Reports

9300. Each district board shall make reports, whenever required, directly to the Superintendent of Public Instruction, concerning the instructional materials used in its schools.

Article 7. Application and Construction of Division

9320. No provision of this division shall be construed as requiring the district board of any district maintaining a community college to provide instructional materials free of charge, or otherwise, to any student enrolled in any community college, nor shall any of the provisions of this division be construed as applicable to instructional materials required or authorized to be used by students in any community college.

9321. No provision of this division shall be construed as requiring the district board of any district to provide instructional materials, free of charge, or otherwise, to any adult enrolled in a class for adults, nor shall any of the provisions of this division be construed as applicable to instructional materials required or authorized to be used by adults in classes for adults.

9322. No provision of this division shall be construed as prohibiting any district board, or any county library, from ordering and purchasing from their own funds such instructional materials as they may require, including state listed materials at a price equal to that computed pursuant to Section 9443.

9323. If any provision of this division, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.

CHAPTER 2. ELEMENTARY INSTRUCTIONAL MATERIALS

Article 1. State Adoption and Selection

9400. The state board shall biennially adopt a list of textbooks and instructional materials for use in the elementary school grades subject to the following provisions:

(a) The state board shall adopt not less than five but not more than 15 of any of the following, per subject, per grade: (1) basic instructional materials, (2) supplementary instructional materials systems, (3) a combination of basic instructional materials and supplementary instructional materials systems.

(b) Fewer than five basic instructional materials systems and supplemental instructional materials may be adopted per subject, per grade if publishers and manufacturers of instructional materials do not submit a sufficient number of educationally useful materials or systems, as determined by the state board; however, in no event shall the state board adopt less than two basic instructional materials systems per subject, per grade.

(c) In the event that a district board establishes to the satisfaction of the state board that the adoption of basic instructional materials does not promote the maximum efficiency of pupil learning in the

district, the state board shall adopt additional basic instructional materials for use by that district board.

(d) The state board shall biennially adopt lists of instructional materials for the following subjects: (1) language arts, (2) arithmetic, (3) social sciences, (4) reading, (5) science, and (6) any other subject in which the board shall determine the need and desirability for instructional materials to promote the maximum efficiency of pupil learning. The state board may establish a cycle for adoptions by designating subjects to be adopted in even-numbered years and subjects to be adopted in odd-numbered years.

(e) The state board shall, at the time of the adoption, determine the date upon which state-adopted instructional materials shall be available for use by district boards.

(f) The state board may adopt instructional materials without designating a grade or subject and the state board may designate more than one grade or subject whenever the state board determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning.

9401. In adopting the biennial list of instructional material the state board may do any one or more of the following:

(a) Retain any instructional materials from the previous biennial list, and make any adjustment in prices based on information provided pursuant to Section 9423.

(b) Delete from the previous biennial list any material which it determines is obsolete pursuant to Section 9800, or which received no order from any district board during the previous biennial period.

(c) Add instructional materials not previously submitted for adoption, or materials previously submitted which have been revised to comply with any recommendations of the state board.

9402. Before final adoption of any instructional materials not currently listed, the state board shall make any textbooks proposed for adoption available for public inspection for 30 days at display centers designated by county superintendents of schools. There shall be at least five display centers in Los Angeles County, three each in Orange County and San Diego County, and two each in Alameda County and Santa Clara County.

9403. The state board shall give the commission a public hearing before making any adoption of instructional materials for use in the elementary schools of the state.

9404. The commission shall:

(a) Recommend curriculum frameworks to the state board.

(b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and which comply with the provisions of Article 3 (commencing with Section 9240) of Chapter 1 of this division. Such criteria shall be public information and shall be provided in written or printed form to any person requesting such information.

(c) Study and evaluate all instructional materials submitted for adoption.

(d) Recommend to the state board instructional materials which it approves for adoption.

9405. The commission may, in order to fulfill its duties pursuant to Section 9404, appoint task forces or committees of subject matter experts to assist and advise them. Each task force or committee appointed by the commission shall include classroom teachers as defined in Section 321 and representatives of the various ethnic groups and of the various types of school districts. Accurate records of the advice and recommendations of each task force or committee member shall be maintained by the commission, and made available to the state board at its request.

Article 2. Duties of Publishers and Manufacturers

9420. All publishers and manufacturers submitting instructional materials for adoption by the state board shall comply with the provisions of Chapter 1 (commencing with Section 9200) of this division.

9421. Publishers and manufacturers submitting instructional materials for adoption shall provide sample copies of such materials in quantities to be determined by the state board.

9422. Publishers and manufacturers shall, at a time designated by the commission, submit the following information:

(a) Detailed specifications of the physical characteristics of such material. Such specifications shall be complied with by the publisher or manufacturer if the material is adopted and purchased in completed form by the state board or any district board. If the material is adopted under a lease contract, the Department of General Services shall follow comparable specifications in manufacturing the material. Changes in specifications may be made when approved by the state board and the publisher or manufacturer.

(b) A price schedule for the sale of completed materials to the state, including all costs of transportation pursuant to subdivision (a) of Section 9261, a statement of the cost to the State of California of purchasing a single unit of each item of instructional material, and any discounts for quantity purchases and any discounts for payment within any specified period of time.

(c) A price schedule for the lease and/or purchase by the state of films, dies, and other materials to be used by the state to manufacture such materials.

(d) A price schedule of royalty costs to be paid to the publisher or manufacturer whenever the state manufactures and distributes to school districts any such materials.

9423. Publishers and manufacturers may submit revisions to price schedules submitted pursuant to Section 9422 for any materials being considered for relisting pursuant to subdivision (a) of Section 9401.

9424. Publishers and manufacturers shall make available for purchase by any governing board any diagnostic, criterion-referenced, or other tests that they may develop.

9425. At the request of any district board and with the approval of the county superintendent of schools, publishers and manufacturers or other qualified persons or organizations shall provide in-service training in the use of instructional materials produced by them. The in-service training shall be provided on terms agreed to by the publisher or manufacturer or other qualified person or organization and may be paid for by the district board. If the publisher or manufacturer or other qualified person or organization does not provide the in-service training at no cost to the district board, and the district board does not agree to pay for the in-service training, no penalties shall be imposed upon the publisher or manufacturer or other qualified person or organization.

9426. Publishers and manufacturers shall, in accordance with rules and regulations adopted by the state board, develop plans to improve the quality and reliability of instructional materials through learner verification. Governing boards shall be encouraged to permit publishers and manufacturers to have limited access to classrooms for necessary testing and observation. Publishers and manufacturers shall provide copies of test results and evaluations made as part of learner verification at the request of any governing board.

Article 3. State Instructional Materials Fund

9440. There is hereby created the State Instructional Materials Fund, effective July 1, 1973. The fund shall be a means of annually funding the acquisition of instructional materials as required by the Constitution of the State of California. All money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for carrying out the purposes of this division.

9441. The fund shall be administered by the State Department of Education under policies established by the state board. It is the intent of the Legislature that the fund shall provide for flexibility of instructional materials. The fund shall consist of a credit for each district board, with which instructional materials adopted by the state board may be ordered and from which there shall be made to each district board a cash allotment in an amount determined by the state board for use in purchasing instructional materials from any source, or for the purchase of tests or in-service training pursuant to Sections 9424 and 9425.

9442. The state board shall annually apportion to each elementary school district a credit based on a dollar allotment per pupil for obtaining state-adopted instructional materials. The state board may encumber part of the fund for the purpose of obtaining basic instructional materials systems in subsequent fiscal years. The

state board may expend an amount not to exceed 10 percent of the cost of each textbook printed by the Department of General Services, for the purpose of warehousing and shipping such textbooks. All remaining unencumbered moneys in the fund shall be apportioned to each elementary school district on the basis of a monetary allotment per pupil.

9443. District boards ordering instructional materials from lists adopted by the state board shall have deducted from their credit a unit cost based on the information provided by publishers or manufacturers pursuant to subdivision (b) of Section 9422. In the event that the state board arranges for the manufacture of such instructional materials at a lower actual cost the savings shall be passed on to ordering districts in the form of an additional credit.

9444. The fiscal yearend unexpended balance of any cash allotment or credit of any district board shall be separately encumbered for the district board and shall be separately carried over into the subsequent fiscal year for their respective uses by the district board.

9445. The State Controller shall during each fiscal year, commencing with fiscal year 1973-1974, transfer from the General Fund of the state to the State Instructional Materials Fund, an amount of seven dollars (\$7) per pupil in average daily attendance in the elementary schools during the preceding fiscal year, as certified by the Superintendent of Public Instruction, except that this amount shall be adjusted annually in conformance with the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies.

9446. This article shall become operative on July 1, 1973. This article shall remain in effect only until June 30, 1977, and as of that date is repealed.

Article 4. Local Ordering Procedures

9460. It is the intent of the Legislature in adopting this article that district boards order instructional materials which meet the needs of pupils in their district, and which relate to their courses of study as adopted pursuant to Division 7 (commencing with Section 7500).

9461. District boards shall determine the necessary quantities and distribution pattern of instructional materials to pupils. No minimum order or ratio of materials shall be required, except that each district board shall provide sufficient quantities of state-adopted textbooks and instructional materials to meet the needs of their pupils and the requirements of Section 7.5 of Article IX of the California Constitution.

9462. District boards shall provide for substantial teacher involvement and shall promote the involvement of parents and other members of the community in selecting instructional materials.

9463. District boards shall order state-adopted textbooks and

instructional materials on forms prescribed by the Department of Education. Such forms shall include, or be accompanied by, information concerning the grade or grades and subject or subjects for which each instructional material is intended, and the unit cost of such material, as computed pursuant to Section 9443, which will be deducted from the credit of the district when ordered. District boards may order instructional materials from lists adopted by the state board without regard to the subject or grade designated by the state board and may use such instructional materials in any manner which will promote the maximum efficiency of pupil learning.

9464. All district orders for state-adopted instructional materials shall be forwarded as directed by the Superintendent of Public Instruction for procurement of such materials in the most economical and timely manner pursuant to Article 5 (commencing with Section 9480) of this chapter. However, in cases where the district does not qualify as a city school district and is an elementary district with fewer than 901 average daily attendance or a unified district with fewer than 1,501 average daily attendance, the county superintendent of schools shall approve the orders for instructional materials by such districts before forwarding as directed by the Superintendent of Public Instruction. All district orders for instructional materials not adopted by the state shall be placed directly with the publisher or manufacturer at any of its offices in the State of California or at any publishers' or manufacturers' depository in the State of California.

9465. After any instructional material, including any state-adopted textbook, has been placed in use by a district board, it shall be retained in use by the district for a period of not less than two years nor more than five years after the date of its first use. However, the Superintendent of Public Instruction may exempt materials from this requirement whenever the district board demonstrates that the continued use of the material will contribute to the maximum efficiency of pupil learning.

Article 5. State Procurement of Instructional Materials

9480. The state board shall cause to be acquired and distributed any instructional materials ordered by district boards pursuant to Article 4 (commencing with Section 9460) of this chapter.

9481. The state board may acquire instructional materials included in any list adopted by the board for use in the elementary schools, by any one or more of the following means determined by the board to be in the best interests of the state:

(a) Purchase them directly from the publisher or manufacturer at any of its offices in the State of California or from any publishers' or manufacturers' depository in the State of California.

(b) Compile them, or cause them to be compiled and manufacture them.

(c) Lease films, dies, maps, engravings, or copyright or patented

matter for use in manufacturing them.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing them.

(e) Provide for either the payment of royalties or for the leasing of films or both, or for making the whole or any part of the material and do any or all things that may be necessary for the purpose of procuring materials for use in the elementary schools.

(f) Arrange for the printing of textbooks by the Department of General Services.

(g) Produce or contract for the production of textbooks in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped.

For the purposes of acquiring the various parts of any instructional materials system adopted pursuant to Section 9400, the state board may use any one or combination of the foregoing means in order to acquire all or any part of the instructional materials system.

9482. Each contract executed for the procurement of instructional materials shall include the right of the state to transcribe and reproduce the material in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped, unable to use the book in conventional print and form. Such right shall include those corrections, revisions and other modifications as may be necessary.

9483. Each contract executed pursuant to Section 9482 shall specify that the royalty, if required, for such materials shall be that specified in the contract for the regular materials designed for nonhandicapped pupils. Any contract for the purchase of instructional materials shall establish a royalty, if required, for permission to transcribe or reproduce in braille, large print, recordings or other media for use of handicapped minors, including the visually handicapped.

9484. The cost of instructional materials acquired in any manner pursuant to Section 9481 shall be paid out of the State Instructional Materials Fund.

9485. The state board, in order to procure textbooks, shall:

(a) Obtain from the Department of General Services an estimate of the number of copies of each textbook which must be printed by the Department of General Services in order to obtain each textbook at a unit cost lower than that specified in the price schedule submitted by the publisher or manufacturer pursuant to subdivision (b) of Section 9422.

(b) Arrange with the Department of General Services for the printing of all textbooks the total statewide quantity of which ordered by all district boards equals or exceeds the estimates of the Department of General Services provided for in subdivision (a).

9485.5. All textbooks not printed pursuant to subdivision (b) of Section 9485 and all other instructional materials shall be obtained by the state board pursuant to Section 9481.

9486. Subject to the approval of the state board or a

representative of the state board appointed to supervise the work, the Department of General Services shall have supervision of all the mechanical work connected with the printing of such textbooks as may be compiled and adopted. The Department of General Services, after printing and binding the books, shall deliver them to the Superintendent of Public Instruction.

9487. The Department of General Services shall receive payment on the approval of the items of cost by the state board or its duly authorized agent.

9488. The amount fixed for royalty and costs of films or copyright or patented matter in favor of any company, or individual, shall be presented by the Superintendent of Public Instruction to the state board for its approval. Claims shall be paid quarterly, in the same manner as other claims upon the State Treasury.

9489. The Department of General Services shall furnish one copy of a cost-finding report showing items of work and the materials and the exact cost of each item for each of the lot of books, to the state board.

9490. On receiving a copy of the cost-finding report and the estimated cost of the publishing of any book, the state board shall determine and fix the cost price of the books. The cost price shall be determined by adding: (a) the cost of manufacture, and (b) the contract price to be paid as royalty or for the use of films, maps, engravings, or copyrighted or patented matter.

9491. The cost price shall be deemed to be the whole cost of producing the material at Sacramento.

9492. The Department of General Services shall on the first day of each month furnish to the state board a detailed statement showing the name and number of books published by it during the preceding month, and the number in course of publication.

9493. The Superintendent of Public Instruction shall arrange for the warehousing and shipping of all instructional materials printed by the Department of General Services in the most economical and timely manner. All other state-adopted instructional materials shall be warehoused and shipped pursuant to subdivision (f) of Section 9261.

9494. The Superintendent of Public Instruction shall arrange for the redistribution of surplus instructional materials to districts reporting insufficient quantities of such materials.

Article 6. Other Uses of Elementary Instructional Materials

9500. The following individuals or organizations may order instructional materials from lists adopted by the state board:

(a) The head of any state institution offering instruction in the elementary grades, or giving instruction in the teaching of elementary subjects.

(b) Governing boards or private schools.

(c) Individuals or dealers for use only in California.

Such materials shall be purchased at the unit cost determined pursuant to Section 9443.

9501. The Superintendent of Public Instruction shall keep an accurate account of the amount of money received from the sale of instructional materials and report to the Controller in accordance with provisions of Chapter 1 (commencing with Section 16300) of Part 2 of Division 4 of Title 2 of the Government Code. The amount of money collected therefor shall be paid into the Treasury to the credit of the State Instructional Materials Fund.

9502. The state board shall make available copies of adopted textbooks in large print for pupils enrolled in the elementary schools whose visual acuity is 20/70 or less or who have other visual impairment making the use of such textbooks necessary. The state board shall make available adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less.

9503. The Superintendent of Public Instruction shall establish and maintain a central clearinghouse-depository and duplication center for specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items for the use of visually handicapped students enrolled in the public schools of California who may require their use as shall be determined by the state board.

Such instructional materials in specialized media shall be available to other handicapped minors enrolled in the public schools of California who are unable to benefit from the use of conventional print copies of textbooks, reference books, and other study materials in a manner determined by the state board.

The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items shall be available for use by visually handicapped students enrolled in the public community colleges, California State University and Colleges, and the University of California.

9504. The Superintendent of Public Instruction shall loan to pupils entitled to attend the public schools of California, but in attendance at a school other than a public school under the provisions of Section 12154, the items specified in Section 9503, without cost to the pupils or to the nonpublic school which they attend.

9505. The Superintendent of Public Instruction shall lend to pupils entitled to attend the public elementary schools of the district, but in attendance at a school other than a public school under the provisions of Section 12154, instructional materials adopted by the state board for use in the public elementary schools. No charge shall be made to any pupil for the use of such adopted materials.

Materials shall be loaned pursuant to this section only after, and to the same extent that, materials are made available to students in attendance in public elementary schools. However, no cash allotment may be made to any nonpublic school.

Materials shall be loaned for the use of nonpublic elementary school students after the nonpublic school student certifies to the State Superintendent of Public Instruction that such materials are desired and will be used in a nonpublic elementary school by the nonpublic elementary school student.

CHAPTER 3. HIGH SCHOOL TEXTBOOKS

Article 1. Adoption and Purchase

9600. The district board of each district maintaining one or more high schools shall adopt textbooks for use in the high schools under its control. Only textbooks of those publishers who comply with the requirements of Article 3 (commencing with Section 9240) and Article 4 (commencing with Section 9260) of Chapter 1 of this division may be adopted by the district board.

9601. The state board shall designate the kinds of books which shall be classified as textbooks for the purposes of this chapter. Instructional materials not classified as textbooks may be purchased by district boards without reference to the provisions of this chapter, except that all instructional materials shall be purchased directly from the publisher or manufacturer at any of its offices in the State of California or from any publishers' or manufacturers' depository in the State of California.

9602. The textbooks adopted shall be put into use in the district not later than the school year next following their adoption.

9603. After any textbook has been adopted by the district board and placed in use, it shall be retained in use for a period of not less than three years after the date of its adoption, as shown by the official records of the district board.

9604. The clerk, secretary, or other person named by the district board for the purpose shall purchase textbooks on order of the district board of the high school district and shall examine the books when received. If they are found to be correct and in accordance with the order, a warrant shall be drawn for the proper amount, including the cost of transporting the textbooks, against any fund of the high school district available for the purpose and remitted to the publisher within 30 days after receipt of the books.

Article 2. Furnishing Textbooks to Pupils

9620. The district board of each high school district may fix a charge not to exceed the cost of the books to the high school district for books furnished pupils in classes for adults. In lieu of fixing such charge, the board may lend books to such pupils and require the making of deposits by the pupils, the amount of deposit made by a pupil to be refunded to him upon the return by him of the books lent him in good condition, reasonable wear and tear excepted.

9621. The district board of each high school district shall purchase

textbooks and may purchase supplementary books for the use of pupils enrolled in the high schools of the district. The textbooks and supplementary books shall at all times remain the property of the district, and shall be supplied to the pupils for use without charge.

9622. The district board of each high school district shall make all necessary provisions and arrangements to place the books purchased within easy reach and accessible for the use of all the pupils in the schools under its control.

9623. The district board of a high school district may at the end of any school term sell textbooks and supplementary books owned by the district to pupils of the district at prices which shall not exceed the actual value of the textbooks and supplementary books. The district board shall not require pupils of the district to purchase textbooks or supplementary books offered for sale by the board.

The proceeds of the sales shall be placed in the county treasury to the credit of the general fund of the school district.

9624. The district board of a high school district may purchase textbooks for the use of students residing in the district but attending a public high school in an adjoining state which does not furnish textbooks free of charge. Such textbooks shall remain the property of the district in which the students reside and shall be issued to such students at the discretion of the district board of that district.

Article 3. Disposal of Old Textbooks

9640. The district board of a district maintaining one or more high schools may provide for the disposition of high school textbooks that have been declared obsolete by the district board, in the manner provided in Section 9820, except that the manner of disposal stipulated in Section 9820 shall not preclude the district board from selling high school textbooks pursuant to Section 9623 nor from selling on the secondhand market high school textbooks that are in fit condition to use, and may provide for the disposition of high school textbooks that have been determined by the board to be unusable for educational purposes in the manner provided in Section 9840.

CHAPTER 4. OBSOLETE INSTRUCTIONAL MATERIALS

Article 1. Determination of Obsolescence

9800. For the purposes of this chapter, governing boards shall adopt rules, regulations and procedures for prescribing standards for determining when instructional materials adopted by them and either loaned by them or in their possession are obsolete, and if such materials are usable or unusable for educational purposes.

Article 2. Donation or Sale

9820. The state board, any district board which employs a

superintendent of schools, and other school districts with the approval of the county superintendent of schools, may dispose of surplus or undistributed obsolete instructional materials in its possession which are usable for educational purposes in any of the following ways:

(a) By donation to any governing board, county free library or other state institution.

(b) By donation to any public agency or institution of any other state, territory or possession of the United States, or the government of any country which formerly was a territory or possession of the United States.

(c) By donation to any nonprofit charitable organization.

(d) By donation to children or adults in the State of California, other states, or foreign countries for the purpose of increasing the general literacy of the people.

(e) By sale for a nominal price for use within the State of California to any organization which agrees to use such materials solely for educational purposes.

9821. Any organization, agency or institution receiving obsolete instructional materials under the provisions of this article must certify to the governing board that it agrees to use the materials for educational purposes and agrees to make no charge of any kind to the persons to whom the organization gives or lends such materials.

9822. In order to ship the obsolete instructional materials to recipients named in Section 9820, governing boards may utilize funds from the State Instructional Materials Fund, in any instance in which the board determines that the cost of shipping will be lower than the estimated cost of storing or otherwise disposing of the obsolete instructional materials involved.

9823. The state board shall pay the publisher or manufacturer the royalties agreed to pursuant to subdivision (e) of Section 9481 for any instructional material that the state board designates as obsolete, but which it provides to district boards that have previously ordered that instructional material.

Article 3. Destruction

9840. The state board, any district board which employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools may dispose of unusable surplus or undistributed obsolete instructional materials, or such materials which are usable but cannot be distributed pursuant to Section 9820 in any of the following ways:

(a) Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest price that can be obtained.

(b) Destroyed by any economical means, provided that no instructional material shall be destroyed until 30 days after the governing board has given notice to all persons who have filed a request for such notice.

Article 4. Disposition of Proceeds From Sale

9860. Any money received by the state board from sale of obsolete instructional materials pursuant to the provisions of this chapter shall be deposited in the State Instructional Materials Fund.

9861. Any money received by a district board from the sale of obsolete instructional materials pursuant to the provisions of this chapter shall be deposited in any such fund of the school district as the district board prescribes and shall be used for school district purposes.

CHAPTER 5. SPECIAL PROGRAMS**Article 1. Drug Education**

10000. It is the intent of the Legislature that the State Board of Education give high priority to the adoption of instructional materials on drug education for classroom use by teachers and pupils. Such materials shall be designed to assist the teacher in presenting instruction on drug education and to meet the needs of pupils at their respective grade levels. Such material shall be accurate, objective, and current.

10001. The State Department of Education shall establish an information center of current drug education materials which may be used by school districts and teachers for instruction on drug education. The information center shall include, but not be limited to, all the following: current state and federal drug laws; samples of effective courses of study, curriculum guides, teaching materials, reference materials, reports of current and school district policies related to drug education.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The Curriculum Commission is required to recommend textbooks to the State Board of Education for adoption. The commission must recommend textbooks in the areas of science, music, and health in October. In order that the provisions of this act relating to the adoption and selection of other instructional materials may be utilized in connection with these subject areas at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 930

An act to amend Sections 5779, 5780, 5782, 5787, 5792, 8574, 8575, 12822, 12823, 12826, 12827, 12842, and 12848 of, to add Sections 5779.2, 5779.3, 5780.1, 5780.2, 12821, 12831, 12832, 12833, and 12848.5 to, and to repeal Sections 5779.1 and 12821 of, the Education Code, relating to testing programs, and making an appropriation therefor.

[Approved by Governor August 15, 1972 Filed with
Secretary of State August 15, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 5779 of the Education Code is amended to read:

5779. The State Board of Education shall require that uniform tests be administered to each pupil not later than his third month of attendance in the first grade. The first grade entry level test shall obtain a composite estimate for each pupil of skills related to learning and memory, attention, visual perception, and auditory comprehension. The answer sheets shall be transmitted to the Department of Education for scoring. If no published test is deemed suitable, the State Board of Education may combine parts of available tests or develop a new test.

The State Board of Education shall also require that uniform tests in reading be administered annually to pupils in grades 2 and 3. Such tests shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption. Any test so adopted shall be in national use and nationwide norms shall have been developed for such test. The tests which have been approved and adopted by the board shall be printed or purchased and distributed to the various school districts in the state by the Department of Education.

The State Board of Education shall determine the form in which the answer sheets for the first grade entry level test shall be transmitted to the Department of Education for scoring, and the form in which the results of the uniform tests in reading for grades 2 and 3 shall be reported to the Department of Education.

The State Board of Education shall analyze the progress achieved by third grade pupils using the first grade entry level test results as a basis for identifying comparable pupils receiving various kinds of reading instruction.

The State Board of Education shall adopt rules and regulations governing the time, place, and methods for administration of the testing program under this article.

Pupils who have been determined to be mentally retarded, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

Pupils who have been determined to be educationally

handicapped, as defined in this code, shall be subject to the testing requirement imposed by this chapter, except such pupils shall be tested separately from regular pupils and the test scores or results with respect to such pupils shall be submitted separately. The Department of Education shall annually prepare a comparative analysis of the scores or results of tests administered to educationally handicapped pupils and regular pupils. The Department of Education shall annually report to the Legislature the scores or results of the tests administered to educationally handicapped pupils.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 4 (commencing with Section 5781) of this chapter.

Commencing with tests administered in the 1972-1973 school year, school districts shall submit answer sheets and test score information on a per-school basis.

SEC. 2. Section 5779.1 of the Education Code is repealed.

SEC. 3. Section 5779.2 is added to the Education Code, to read:

5779.2. Scores for individual pupils on the first grade entry level test shall not be used by school districts or teachers for individual diagnosis or placement or as a basis for any other decisions which would affect the pupil's elementary school experience. Scores from this test shall not in any manner be included on the pupil's cumulative school record.

The State Board of Education shall determine which, if any, of the scores attained by pupils on the tests administered in grades 2 and 3 may be recorded on the pupil's cumulative school record.

SEC. 4. Section 5779.3 is added to the Education Code, to read:

5779.3. The State Board of Education shall direct each school district to report annually its methods used to assess pupil performance in reading during grades 1, 2, and 3. The Department of Education shall assist the school districts to improve their local programs of assessing pupil performance in reading.

SEC. 5. Section 5780 of the Education Code is amended to read:

5780. Commencing with the school year 1966-67, and in each year thereafter, a standardized reading achievement test, which shall be adopted by the State Board of Education and distributed to the various school districts, shall be administered to all third-grade pupils.

The scores of those pupils who have participated in a remedial program shall be maintained and treated separately.

From a study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate basic reading programs, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, basic reading

programs, together with any recommendations for any adjustments in the program, to the Legislature at each regular session. This report and the report required pursuant to Section 12848 may be consolidated into a single annual report.

SEC. 6. Section 5780.1 is added to the Education Code, to read:

5780.1. Except for the first-grade entry level test required by Section 5779, the State Board of Education may replace the grade specification for the administration of specific tests pursuant to this article with a specification of age or time elapsed since the pupil entered school where such a specification is more consistent with patterns of school organization.

The Department of Education shall submit a report to the Joint Legislative Budget Committee explaining the reasons for replacing the grade specification. The report shall be submitted at least six months prior to any such change.

SEC. 7. Section 5780.2 is added to the Education Code, to read:

5780.2. The State Board of Education shall develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 2 and 3.

Under such a testing method, the Department of Education shall annually administer a statewide test to all pupils in grades 2 and 3. The department shall determine whether pupils in a given school shall be administered the entire test or whether the pupils shall be administered a portion of the test which will be representative of all the test objectives, goals, or categories of items on the entire test.

The procedure required by this section shall be implemented not later than the 1974-1975 school year.

SEC. 8. Section 5782 of the Education Code is amended to read:

5782. For the 1967-68 school year and school years thereafter, for any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the tests administered during the preceding school year pursuant to Section 5779, the basic quota established pursuant to Section 5781 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades 1, 2, and 3, and fractional part thereof, maintained by the district.

For the 1967-68 school year and school years thereafter any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the tests administered during the preceding school year pursuant to Section 5779, the basic quota established pursuant to Section 5781 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

SEC. 9. Section 5787 of the Education Code is amended to read:

5787. Specialist teachers employed by a school district shall be relieved of all regular teaching and administrative responsibilities

and shall devote their full time in performance of the following responsibilities, which shall be directed to training pupils to attain reading ability essential to success in studies to be undertaken beyond the grade 3 level:

(a) Supplementing the reading instruction otherwise provided in regular classes for all pupils in grade 1.

(b) Providing instruction to small groups of pupils, and to individual pupils, in grades 2 and 3 who have been determined to have reading disabilities.

(c) Administering reading tests to be given pupils in grades 2 and 3 under Article 3 (commencing with Section 5779) of this chapter.

SEC. 10. Section 5792 of the Education Code is amended to read: 5792. Allowances under this article shall be made by the Superintendent of Public Instruction in accordance with a system of priorities that he shall by rule and regulation adopt, designed to carry out the intent and purpose of the legislature stated in Section 5771.

The system shall be designed to give priority to districts in the following order:

(a) First, to insure that the districts participating in the program during the preceding school year, which continue to be eligible, will not be required to reduce programs below the level of the preceding year.

(b) Second, to insure that applications for expansion of programs and applications for new programs in eligible schools be considered on a priority basis in terms of the percentage of pupils in grade 1 who received scores which fell below the first quartile of scores established on a statewide basis for the tests administered during the preceding school year pursuant to Section 5779.

Allowances computed for a district that received only basic aid in the preceding fiscal year shall be reduced by one-half.

The Superintendent of Public Instruction shall make no allowances in any year in excess of the amount appropriated by the Legislature for the purposes of this chapter.

SEC. 11. Section 8574 of the Education Code is amended to read:

8574. The governing board of any school district maintaining a high school shall adopt minimum academic standards for graduation from the high schools within its school district. Such minimum academic standards shall include separate courses of study including, but not limited to, a course of study designed to prepare prospective students for admission to state colleges and the state university and for vocational training. Such standards shall be made available to the public.

SEC. 12. Section 8575 of the Education Code is amended to read:

8575. The State Board of Education shall, on or after July 1, 1970, prepare, and distribute to each school district maintaining a high school for its consideration, examples of minimum academic standards for graduation. These examples shall be provided solely to assist each school district in the development of its own minimum academic standards for graduation as required by Section 8574.

Nothing in this section shall be construed to authorize or require the State Board of Education to adopt statewide minimum academic standards for graduation from high school.

SEC. 13. Section 12821 of the Education Code is repealed.

SEC. 14. Section 12821 is added to the Education Code, to read:

12821. It is the intent of the Legislature in enacting this chapter to determine the effectiveness of school districts and schools in assisting pupils to master the fundamental educational skills towards which instruction is directed. The program of statewide testing shall provide the public, the Legislature, and school districts evaluative information regarding the various levels of proficiency achieved by different groups of pupils of varying socioeconomic backgrounds, so that the Legislature and individual school districts may allocate educational resources in a manner to assure the maximum educational opportunity for all pupils. The program of statewide testing shall identify unusual success or failure and the factors which appear to be responsible, so that appropriate action may be taken at the district and state level to obtain the highest quality education for all public school pupils.

SEC. 15. Section 12822 of the Education Code is amended to read: 12822. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study. It shall include (1) tests in basic skills courses administered annually and (2) tests in content courses administered from time to time as designated by the State Board of Education.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Testing program" means the systematic achievement testing of all pupils in grades 6 and 12, and the physical performance testing of all pupils in any three grades designated by the State Board of Education, required by this chapter in all schools within each school district by means of tests designated by the State Board of Education.

(d) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including but not limited to, reading, spelling, basic mathematics, and effectiveness of written expression.

(e) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the communication of ideas, including, but not limited to, literature, history, advanced mathematics, and science.

SEC. 16. Section 12823 of the Education Code is amended to read: 12823. The State Board of Education shall:

(a) Require a testing program in all school districts.

(b) Designate the achievement and physical performance tests to be used during the ensuing school year.

(c) Adopt regulations for the conduct and administration of the

testing program.

SEC. 17. Section 12826 of the Education Code is amended to read:
12826. The governing board of each school district shall report on a school-by-school basis to the Department of Education, pursuant to rules and regulations adopted by the State Board of Education, the results of the achievement tests administered pursuant to this article.

The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

SEC. 18. Section 12827 of the Education Code is amended to read:
12827. During either the month of March, April, or May, the governing board of each school district maintaining any grade designated by the State Board of Education pursuant to subdivision (c) of Section 12822 shall administer to each pupil in those grades the physical performance test designated by the State Board of Education. Each physically handicapped pupil and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his condition will permit.

Upon request of the Department of Education, a school district shall submit to the department at least once every two years the results of its physical performance testing.

SEC. 19. Section 12831 is added to the Education Code, to read:
12831. The State Board of Education shall develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 6 and 12.

Under such a testing method, the Department of Education shall annually administer a statewide test to all pupils in grades 6 and 12. The department shall determine whether pupils in a given school shall be administered the entire test or whether the pupils shall be administered a portion of the test which will be representative of all the test objectives, goals, or categories of items on the entire test.

The procedure required by this section shall be implemented not later than the 1974-1975 school year.

SEC. 20. Section 12832 is added to the Education Code, to read:
12832. The State Board of Education shall determine which, if any, of the results attained by pupils on the achievement tests administered in grades 6 and 12 may be recorded on the pupil's cumulative school record.

SEC. 21. Section 12833 is added to the Education Code, to read:
12833. The State Board of Education may replace the grade specification for the administration of specific tests pursuant to this article with a specification of age or time elapsed since the pupil entered school where such a specification is more consistent with patterns of school organization.

The Department of Education shall submit a report to the Joint Legislative Budget Committee explaining the reasons for replacing the grade specification. The report shall be submitted at least six

months prior to any such change.

SEC. 22. Section 12842 of the Education Code is amended to read:

12842. In making reports to the Legislature pursuant to Section 12841, the board shall maintain the anonymity of all individual students involved. The board may make analyses involving other factors, including, but not limited to, general categories of pedagogies in use, type of district organization, geographic area, socioeconomic data, size of school district, or other analytical items which may prove useful.

SEC. 23. Section 12848 of the Education Code is amended to read:

12848. The Department of Education shall prepare and submit an annual report to the Legislature, the State Board of Education, and to each school district in the state containing an analysis, on a district-by-district basis, of the results and test scores of the testing program in basic skills courses, including tests administered pursuant to the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6). The report shall include an analysis of the operational factors that appear to have a significant relationship to or bearing on the results. The analysis may include, but need not be limited to, the following factors:

- (a) Demographic characteristics.
- (b) Financial characteristics.
- (c) Pupil and parent characteristics.
- (d) Instructional and staff characteristics.
- (e) Specially funded programs.

School districts shall submit to the Department of Education whatever information the department deems necessary to carry out the provisions of this section.

SEC. 24. Section 12848.5 is added to the Education Code, to read:

12848.5. The report to the Legislature required by Section 12848 and the report to the Legislature required pursuant to Section 5780 may be consolidated into a single annual report.

SEC. 25. There is hereby appropriated from the General Fund in the State Treasury the sum of two hundred thirty-five thousand dollars (\$235,000) to the Department of Education, to be expended for purposes of the development of a baseline test to be given to all pupils in grade 1 under the provisions of Chapter 5.8 (commencing with Section 5770) of Division 6 of the Education Code and for research and analysis, scoring, and the purchase and distribution of test materials under the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6 of the Education Code) and the California School Testing Act of 1969 (Chapter 9 (commencing with Section 12820) of Division 9 of the Education Code).

CHAPTER 931

An act to amend Sections 50081 and 50082 of the Government Code, relating to law enforcement.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 50081 of the Government Code is amended to read:

50081. To the extent that funds therefor have been made available to a local agency pursuant to Section 50082, the legislative body of a local agency shall furnish each newly hired police officer and deputy sheriff employed full time by the local agency with a service revolver or other suitable pistol, holster, belt and ammunition, a nightstick, handcuffs, raincoats, and rainboots. Such equipment shall remain the property of the local agency and shall be returned upon request of the local agency.

SEC. 2. Section 50082 of the Government Code is amended to read:

50082. The Legislature shall make available to the Commission on Peace Officer Standards and Training in the Department of Justice for allocation to local agencies, funds to be used to provide the equipment required to be furnished by Section 50081. The Legislature shall, in addition, provide sufficient funds to the commission to cover the cost of administering the provisions of this section. The Commission on Peace Officer Standards and Training shall adopt rules necessary to implement this section including rules governing the manner of application for allocation of funds.

CHAPTER 932*An act to amend Sections 5750.9 and 5750.10 of the Education Code, relating to special schools and classes.*

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5750.9 of the Education Code is amended to read:

5750.9. The provisions of this article shall be applicable only to Santa Clara County and Monterey County.

SEC. 2. Section 5750.10 of the Education Code is amended to read:

5750.10. The provisions of this article shall remain in effect until December 31, 1975, and shall have no force or effect after that date.

CHAPTER 933

An act to amend, add and repeal Sections 2178 and 2193.7 of, amend the heading of Article 4.6 (commencing with Section 2185) of Chapter 5 of Division 2 of, and to amend Sections 2185, 2185.5, 2186, 2186.5, 2187, 2187.5, 2188, 2519 and 2519.5 of, to add Section 2520 to, to add and repeal Sections 2147, 2177.5 and 2193.75 of, to repeal Article 4.6 (commencing with Section 2185) of Chapter 5 of Division 2 of, and Section 2520 of, the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972. Filed with Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2147 of the Business and Professions Code is repealed.

SEC. 1.5. Section 2147 is added to the Business and Professions Code, to read:

2147. Nothing in this chapter shall be construed to prevent a student regularly matriculated in any legally chartered school approved by the board from treating the sick or afflicted whenever and wherever prescribed as a part of his course of study.

SEC. 2. Section 2177.5 of the Business and Professions Code is repealed.

SEC. 2.5. Section 2177.5 is added to the Business and Professions Code, to read:

2177.5. There shall be at least 35 loans available each year. Only students enrolled in the doctor of medicine program of a medical school approved by the board and located in California, are eligible for participation in the loan program.

SEC. 3. Section 2178 of the Business and Professions Code is amended to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the third year of an approved doctor of medicine program in California, or is enrolled in a special internship approved pursuant to Article 4.6 (commencing with Section 2185) of this chapter.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area

deficient in physician services.

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC. 3.5. Section 2178 is added to the Business and Professions Code, to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the third year of an approved doctor of medicine program in California.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

SEC. 4. Article 4.6 (commencing with Section 2185) of Chapter 5 of Division 2 of the Business and Professions Code is repealed.

SEC. 5. The heading of Article 4.6 (commencing with Section 2185) of Chapter 5 of Division 2 of the Business and Professions Code is amended to read:

Article 4.6. Programs of Supervised Clinical Special Internship in General Practice Medicine

SEC. 6. Section 2185 of the Business and Professions Code is amended to read:

2185. As used in this article, "special internship" means a one-year program of supervised clinical special internship approved by the Board of Medical Examiners of the State of California, in the field of general practice medicine, affiliated with, and under the supervision of, medical schools approved by the board, for applicants for a physician's and surgeon's certificate pursuant to Section 2193.7.

SEC. 7. Section 2185.5 of the Business and Professions Code is amended to read:

2185.5. The board shall approve one-year programs of supervised clinical special internship in the field of general practice medicine, affiliated with, and under the supervision of medical schools approved by the board, for applicants for a physician's and surgeon's certificate pursuant to Section 2193.7.

SEC. 8. Section 2186 of the Business and Professions Code is amended to read:

2186. A medical school conducting such a special internship shall review the academic record of applicants for such a program, and may establish such requirements as it deems necessary to determine that applicants are properly qualified for such program.

SEC. 9. Section 2186.5 of the Business and Professions Code is amended to read:

2186.5. If a medical school conducting such a special internship determines that a person has satisfactorily completed the special

internship, he shall be eligible for admission to any other kind of graduate training program authorized under this chapter without completion of service obligations required by the Republic of Mexico and without further examination.

If a medical school conducting a special internship determines that a person has not satisfactorily completed the special internship, such medical school shall exercise one of the following alternatives:

(a) Require such person to repeat the special internship.

(b) Prescribe additional studies which, if completed satisfactorily, will enable such person to satisfactorily complete the special internship.

(c) Report to the board that such person has not satisfactorily completed the special internship and should not be continued in the special internship.

SEC. 10. Section 2187 of the Business and Professions Code is amended to read:

2187. The University of California may establish such a special internship. In accepting persons into such program, preference shall be given to persons who are legal residents of the State of California.

SEC. 11. Section 2187.5 of the Business and Professions Code is amended to read:

2187.5. Schools of medicine which conduct such a special internship shall provide an annual written report to the Legislature no later than December 1 of each year, which shall include at least the following topics:

(1) Numbers of participating candidates.

(2) Screening methods used to determine entrance qualifications of applicants participating in the program, with results.

(3) An evaluation of the professional capabilities of persons licensed as physicians and surgeons under Section 2193.7.

(4) Practice location and professional activities of program graduates.

(5) Program costs.

(6) Future recommendations relative to this program.

SEC. 12. Section 2188 of the Business and Professions Code is amended to read:

2188. The State Scholarship and Loan Commission may, from funds appropriated by the Legislature for such purpose, allocate the sum of no more than ten thousand dollars (\$10,000) per student to any medical school conducting a special internship for the purpose of supporting such program, provided that no such allocation from moneys which may be appropriated therefor by the Legislature shall be made in support of any such program which has an enrollment of less than three students for the 1972-1973 fiscal year, and which has an enrollment of less than 10 students for subsequent fiscal years.

SEC. 13. Section 2193.7 of the Business and Professions Code is amended to read:

2193.7. Notwithstanding any other provision of law, a person who at the time of his enrollment in a medical school in the Republic of

Mexico is a citizen of the United States, and who possesses a diploma issued to him after successful completion of a four-year program in such medical school located in the Republic of Mexico, which school is approved by the Republic of Mexico, shall be issued a physician's and surgeon's certificate if he meets all of the following requirements:

(a) He has successfully completed a one-year program of supervised clinical special internship in the field of general practice medicine in a program approved by the board pursuant to Article 4.6 (commencing with Section 2185) of this chapter. This program of supervised clinical special internship must be affiliated with an approved medical school and be under the direction of such medical school.

(b) He has successfully completed the same written examination prescribed by the board for graduates of California medical schools before or during his year of supervised clinical special internship.

(c) He has successfully completed the premedical education requirements set forth in Section 2191 in a school of higher education satisfactory to the board located in the United States.

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC. 13.5. Section 2193.7 is added to the Business and Professions Code, to read:

2193.7. Notwithstanding any other provision of law, a person who at the time of his enrollment in a medical school in the Republic of Mexico is a citizen of the United States, and who possesses a diploma issued to him after successful completion of a four-year program in such medical school located in the Republic of Mexico, which school is approved by the Republic of Mexico, shall take the same written examination prescribed by the Board of Medical Examiners for graduates of California medical schools.

Upon successful completion of such examination, such person shall be eligible to serve his postgraduate studies, which shall be in the field of family practice, in a hospital approved by the board for the period required in Section 2193.5, and upon successful completion of such postgraduate studies in the field of family practice and successful completion of the clinical and oral examinations given by the board, he shall be issued a certificate as a physician and surgeon.

No hospital in this state licensed pursuant to Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code, or operated by the state government, a county, or by the Regents of the University of California, shall require a person qualified for postgraduate training pursuant to this section to take an examination other than the written examination administered by the board as a condition of obtaining postgraduate training in such hospital. This section shall not be construed to prohibit a hospital from administering a test to applicants for postgraduate training for the purpose of selecting persons from a number of applicants for a lesser number of postgraduate positions.

SEC. 14. Section 2193.75 is added to the Business and Professions Code, to read:

2193.75. If a person fails in his attempt to meet the requirements of subdivision (b) of Section 2193.7 of this chapter, the board shall prescribe whatever additional training is necessary, if any, before allowing such person to attempt to meet that requirement again.

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC. 15. Section 2519 of the Business and Professions Code is amended to read:

2519. There is established an Advisory Committee on Physician's Assistant and Nurse Practitioner Programs which shall be advisory to the board on matters pertaining to the education of physician's assistants and approval of applicants to supervise a physician's assistant. The committee shall also advise the Board of Nursing Education and Nurse Registration, the Board of Vocational Nurse and Psychiatric Technician Examiners, and the Board of Medical Examiners, on matters pertaining to the development, education, and utilization of nurse practitioners. The committee shall consist of nine members appointed by the Governor.

SEC. 16. Section 2519.5 of the Business and Professions Code is amended to read:

2519.5. The members of the committee shall include one representative of the board, who shall be chairman of the committee, a representative of a California medical school, an educator with experience in the development of health manpower programming, one physician, one registered nurse, and one licensed vocational nurse functioning as a nursing educator. The Governor shall appoint the licensed vocational nurse member to the committee within 30 days after the effective date of the amendment of this section at the 1972 Regular Session of the Legislature.

SEC. 17. Section 2520 of the Business and Professions Code is repealed.

SEC. 18. Section 2520 is added to the Business and Professions Code, to read:

2520. The committee shall report to the Board of Medical Examiners, the Board of Nursing Education and Nurse Registration, the Board of Vocational Nurse and Psychiatric Technician Examiners, and the Legislature, no later than January 1, 1973, concerning:

(a) A general definition of the term "nurse practitioner."

(b) Classifications of nurse practitioners, and a functional description of each classification.

(c) The amount and type of supervision necessary for each classification of nurse practitioner to safely and effectively function.

(d) Settings in which various classifications of nurse practitioners could be safely and effectively utilized.

(e) The amount and type of training necessary to adequately train various classifications of nurse practitioners.

(f) Appropriate educational settings for training various classifications of nurse practitioners.

(g) The functional and educational differences between nurse practitioners and physician's assistants.

(h) The numbers and types of nurse practitioners currently being educated and used in California and other states.

(i) Recommendations for establishing a permanent program of certification or licensure for nurse practitioners.

SEC. 19. Sections 1, 1.5, 2, 2.5, 3.5, 4, and 13.5 of this act shall become operative December 31, 1974.

SEC. 20. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to make necessary changes in a program which has already taken effect and to provide adequate time to the Board of Medical Examiners for the preparation of the report required by Section 2520 of the Business and Professions Code as added by this act, it is necessary that this act take effect immediately.

CHAPTER 934

An act to amend Section 14105 of, to add Section 14105 to, and to repeal Section 14105 of, the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14105 of the Welfare and Institutions Code as amended by Chapter 577 of the Statutes of 1971 is amended to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter, may limit the rates of payment for health care services, and shall adopt such rules and regulations as are necessary for carrying out, not inconsistent with, the provisions thereof.

Such policies and regulations shall include rates for payment for services not rendered under a contract pursuant to Section 14104. Standards for costs shall be based on payments of the reasonable cost for such services. Amounts paid for services provided to Medi-Cal beneficiaries shall be audited by the department in the manner and form prescribed by the department. The department shall maintain adequate controls to insure responsibility and accountability for the expenditure of federal and state funds. Cost reports and other data submitted by providers to a state agency for the purpose of determining reasonable costs for services or establishing rates of

payment shall be considered true and correct unless audited or reviewed within eighteen (18) months after July 1, 1969, the close of the period covered by the report, or after the date of submission of the original or amended report by the provider, whichever is later.

Nothing in this section shall be construed to limit the correction of cost reports or rates of payment when inaccuracies are determined to be the result of intent to defraud, or when a delay in the completion of an audit or review is the result of willful acts by the provider or inability to reach agreement on the terms of final settlement.

Insofar as practical, consistent with the efficient and economical administration of this part, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive health care benefits.

If, in the judgment of the director, the actions taken by the director under Section 14120(c) will not be sufficient to operate the Medi-Cal program within the limits of appropriated funds, he may limit the scope and kinds of health care services, except for minimum coverage as defined in Section 14056, available to persons who are not eligible under Sections 14005.1, 14005.2 and 14005.3. When and if necessary, such action shall be taken by the director with the advice of the Health Care Commission and in ways consistent with the requirements of the Federal Social Security Act. This paragraph shall not be operative until July 1, 1972.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 14105 is added to the Welfare and Institutions Code, to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter, may limit the rates of payment for health care services, and shall adopt such rules and regulations as are necessary for carrying out, not inconsistent with, the provisions thereof.

Such policies and regulations shall include rates for payment for services not rendered under a contract pursuant to Section 14104. Standards for costs shall be based on payments of the reasonable cost for such services. Amounts paid for services provided to Medi-Cal beneficiaries shall be audited by the department in the manner and form prescribed by the department. The department shall maintain adequate controls to insure responsibility and accountability for the expenditure of federal and state funds. Cost reports and other data submitted by providers to a state agency for the purpose of determining reasonable costs for services or establishing rates of payment shall be considered true and correct unless audited or reviewed within eighteen (18) months after July 1, 1969, the close of the period covered by the report, or after the date of submission of the original or amended report by the provider, whichever is later.

Nothing in this section shall be construed to limit the correction of cost reports or rates of payment when inaccuracies are

determined to be the result of intent to defraud, or when a delay in the completion of an audit or review is the result of willful acts by the provider or inability to reach agreement on the terms of final settlement.

Insofar as practical, consistent with the efficient and economical administration of this part, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive health care benefits.

If, in the judgment of the director, the actions taken by the director under Section 14120(c) will not be sufficient to operate the Medi-Cal program within the limits of appropriated funds, he may limit the scope and kinds of health care services, except for minimum coverage as defined in Section 14056, available to persons who are not eligible under Sections 14005.1, 14005.2 and 14005.3. When and if necessary, such action shall be taken by the director with the advice of the Advisory Health Council and in ways consistent with the requirements of the Federal Social Security Act. This paragraph shall not be operative until July 1, 1972.

This section shall become operative on the same date as Reorganization Plan No. 1 becomes operative.

SEC. 3. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 14105 of the Welfare and Institutions Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 14105 of the Welfare and Institutions Code, as added by Section 2 of this act, which includes the changes in Section 14105 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 935

An act to add Section 11610.8 to the Business and Professions Code, relating to real property.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11610.8 is added to the Business and Professions Code, to read:

11610.8. No city or county shall issue any permit or grant any approval necessary to develop any real property which is excluded from regulation under this chapter as a subdivision pursuant to paragraph 4 of subdivision (c) of Section 11535 because such property is in excess of forty (40) acres and was created as such a parcel after December 31, 1969, when such property fronts on the coastline or a shoreline, unless it finds that reasonable public access

has been provided from public highways to land below the ordinary high-water mark or any ocean coastline or bay shoreline or any water of a lake or reservoir upon which the real property fronts.

“Reasonable public access” as used in this section shall be determined by the city or county in which the real property lies. In making such determination the city or county shall use the same criteria as those set forth in subdivisions (c) and (d) of Section 11610.5 and subdivisions (c) and (d) of Section 11610.7.

CHAPTER 936

An act to add Chapter 3.6 (commencing with Section 751.50) to Title 10 of Part 2 of the Code of Civil Procedure, relating to earth movements disasters.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. (a) This act is enacted as an exercise of the police power of the state, for the purpose of serving the general welfare of the people of California by:

(1) Making fully available for continued use and new development the entire area owned by each entity, whether public or private, which purpose can only be accomplished by reestablishing with certainty the present location of land boundaries.

(2) Facilitating the sale, mortgage or lease of land parcels in the state.

(3) Confirming and establishing the exact areas available for public use in streets, highways, flood control channels, public utility and other public ways.

(4) Minimizing the loss of area by property owners whose boundaries have been disturbed by earth movements such as but not limited to slides, subsidence, lateral or vertical displacements or similar disasters caused by man or by earthquakes or other acts of God, by equitably reestablishing property lines or by allocating to adjacent owners areas of land released by the narrowing or relocating the lines of public streets, highways or other public ways, with the consent of the city, county or state, as the case may be, under whose jurisdiction such streets, highways or ways are vested, given for the promotion of the general welfare.

(5) By declaring lots or parcels of land made substandard in size according to existing zoning laws as a result of compaction or other earth movement, of legal size according to such laws where no equitable adjustment of boundaries can be reasonably made.

(6) Correcting existing public records by recording the results of judicial proceedings, including official maps which reflect the land

boundaries reestablished subsequent to the disasters described in paragraph (4).

(7) Permitting these ends to be accomplished in a single action in rem, brought with respect to a reasonably large land area affected by the disaster, rather than in numerous actions affecting single or a small number of parcels of land.

(b) The Legislature finds that the attainment of each of the objectives enumerated in this section will significantly promote the general welfare of all the people in the state.

SEC. 2. Chapter 3.6 (commencing with Section 751.50) is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 3.6. CULLEN EARTHQUAKE ACT

751.50. If the boundaries of land owned either by public or by private entities have been disturbed by earth movements such as, but not limited to, slides, subsidence, lateral or vertical displacements or similar disasters caused by man, or by earthquake or other acts of God, so that such lands are in a location different from that at which they were located prior to the disaster, an action in rem may be brought to equitably reestablish boundaries and to quiet title to land within the boundaries so reestablished.

751.51. (a) An action authorized by this chapter may be commenced by:

(1) A county in which lands were affected by a disaster described in Section 751.50 with or without the joinder of a city or cities included in the county and within the area so affected.

(2) A city, if the disaster has affected land in the city.

(3) Any other entity or person owning or having an interest in or lien upon land affected by the disaster if granted permission by the court to bring the action, and if the county in which the land is located is made a party to the action.

(b) In an action authorized by this chapter every entity in actual and peaceable possession of, or having an estate or interest in or lien upon any of the land affected by the action, whose possession or evidence of estate or interest is either recorded or known to the plaintiffs, the city, if the land is within a city, the county in which the land is located, and the State of California must be designated in the complaint of the action, and given notice in the manner required by this chapter.

(c) All unknown entities, including owners, lien or interest claimants, heirs, devisees, legatees or assigns, may be described in the caption and complaint as "all entities claiming any interest in or lien upon, the real property herein described or any part of it."

751.52. An entity which is a permissive plaintiff under this chapter, may bring a separate action with respect to separate portions of the disaster area of sufficient size to equitably reestablish boundaries without harm to other areas of the common disaster, its decision regarding the desirability of the separate action, and

regarding the area to be dealt with in each action to be approved by the court.

751.53. The complaint shall substantially include:

(a) A statement of the facts which make the provisions of this chapter applicable.

(b) A description of the exterior boundaries of the real property area sought to be affected by the action.

(c) A specification of the estate, title, interest or claim owned, and in the actual possession of the plaintiff or plaintiffs in described parts of the entire real property sought to be affected by the action.

(d) A specification of the estate, title, interest or claim, so far as they are known to the plaintiffs or either of them, and so far as they are capable of being discovered by reasonably diligent search by the plaintiff or plaintiffs, in each separate part of the entire real property sought to be affected by the action.

(e) A specification of the street areas sought to be vacated or offered by the plaintiff, or plaintiffs, to be vacated in whole or in part for judicial equitable allocation to landowners for the mitigation of the losses inflicted upon the landowners by the particular disaster or disasters to which this act is applicable.

(6) A proposed replatting of the entire real property sought to be affected by the action, embodying the land boundaries as fixed by the disaster, except as these boundaries have been equitably and judicially readjusted, or as liberalized by judicially directed use of the vacated lands.

751.54. Summons, publication of notice, posting and related matters and procedures shall be governed by the provisions of Sections 751.05 through 751.10, inclusive, of the Code of Civil Procedure.

751.55. Upon the completion of the service, publication and posting of the summons, as may be required by this chapter, the court has complete jurisdiction over the parties plaintiff or plaintiffs and the entire real property described in the complaint as intended to be affected by the action, and over every entity having or claiming an estate, right, title or interest in or to, or lien upon, all or any part of the property, and shall be considered to have obtained the possession and control of the property for the purposes of the action with complete jurisdiction to render the judgment provided for in this chapter.

751.56. (a) An answer to the complaint must be served within 90 days after the first publication of the notice, or such further time not exceeding 30 days, as the court for good cause may grant.

(b) An answer must:

(1) Specifically set out the particulars in which the claimant's estate, right, title, or interest in or to, or lien upon all or any part of the property is different from, or greater than, the interest of the claimant as it is described in the complaint.

(2) Be confined to rights based on events occurring at the time of, or since the time of the disaster.

(c) To whatever extent, if at all, the answering party has rights against anyone whatsoever, based upon facts or events which occurred before the disaster, the claims shall remain unaffected by the action brought under this chapter and shall be assertable subsequent to the conclusion of the action at any time and in any manner permitted by law, notwithstanding the judgment granted in this action, recognizing however the finality of this judgment as to the consequences, with respect to land boundaries as applicable to land in the disaster area.

751.57. A party to an action authorized by this chapter may file a notice of the pendency of the action in the form and at the place and with the effects specified by law.

751.58. The vacating of streets, highways, or other public ways within or abutting the area affected by the disaster, in whole or in part, by the voluntary action of the governmental agency under whose jurisdiction the streets, highways, or ways are vested, for the purpose of making it possible for the court to mitigate the hardships suffered by entities because of the change in land boundaries caused by the disaster can be accomplished by the affected governmental agency expressing the offer in the proceedings followed by the court's acceptance thereof in an action authorized by this chapter, without complying with any other formalities of law.

751.59. In an action of the type authorized by this chapter, judgment shall not be given by default, but the court must require proof of the facts alleged in the complaint and other pleadings.

751.60. The judgment shall:

(a) Determine the land boundaries of each parcel of land located within the entire area of real property sought to be affected by the action, whether owned publicly or privately, as fixed by the disaster, except as these boundaries have been judicially and equitably readjusted and as liberalized by judicial equitable allocation of lands voluntarily vacated by a city, county or the state under this act.

(b) Determine the entity or entities having estates, rights, titles, interests and claims in and to each parcel, whether legal or equitable, present or future, vested or contingent, or whether they consist of mortgages or liens of any description.

(c) Approve and direct the proper filing of an official map covering the entire area of real property sought to be affected by the action, as a substitute for the plat maps previously filed, but rendered inaccurate by the disaster.

751.61. In reaching the conclusions called for by Section 751.60, the court shall give effect to the changes in land boundaries caused by the disaster, mitigated, however, so far as can equitably be done by adjustment of land boundaries and by allocating to contiguous lots parts of the land released by a city, county or the state by its voluntary vacation of areas formerly constituting public ways, which vacatings of streets shall be approved by the judgment.

751.62. The judgment shall be conclusive with respect to land boundaries upon every entity who at the commencement of the

action had or claimed an estate, right, title or interest in or to or lien upon a part of the entire area of real property described in the complaint as intended to be affected by the action, and upon every entity claiming under any such person by title subsequent to the commencement of the action.

751.63. A certified copy of the judgment shall be recorded, at the expense of the plaintiff or plaintiffs in the action, in the office of the recorder of the county in which the affected land is situated and shall constitute constructive notice of the findings therein and of the official plat or plats referred to therein, which findings and plats shall supersede and control all prior plats, maps and documents to the extent inconsistent therewith.

751.64. The remedies provided for by this chapter are cumulative and in addition to any other remedy provided by law for quieting or establishing title to real property or the boundaries of it.

751.65. This chapter may be cited as the Cullen Earthquake Act.

CHAPTER 937

An act to amend Section 2274 of the Civil Code and Section 1122 of the Probate Code, relating to trustee's compensation.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 2274 of the Civil Code is amended to read:
2274. If the declaration of trust contains provisions for a trustee's compensation, the trustee shall be entitled to be compensated in accordance therewith. Upon proper showing, the court may fix or allow greater compensation than could be allowed under the provisions of the trust (1) where the duties of the trustee are substantially greater than those contemplated at the creation of the trust, or (2) where the compensation in accordance with the provisions in the trust would be inequitable or unreasonably low, or (3) in other extraordinary circumstances calling for equitable relief. If a declaration of trust does not specify the trustee's compensation, the trustee shall be entitled to such compensation as may be reasonable under the circumstances. Unless the declaration of trust provides or the trustees agree otherwise, if there are two or more trustees, the compensation shall be apportioned among the trustees according to the services rendered by them respectively. The superior court shall have jurisdiction to determine any compensation provided by this section in an action, brought by the trustee, to which all interested persons are made parties.

SEC. 2. Section 1122 of the Probate Code is amended to read:
1122. If the will contains provisions for a trustee's compensation,

the trustee shall be entitled to be compensated in accordance therewith. Upon proper showing, the court may in the decree of distribution or thereafter fix or allow greater compensation than could be allowed under the provisions of the will (1) where the duties of the trustee are substantially greater than those contemplated by the testator at the time of the signing of the will, or (2) where the compensation in accordance with the provisions in the will would be inequitable or unreasonably low, or (3) in other extraordinary circumstances calling for equitable relief. If the will does not specify a trustee's compensation, the trustee shall be entitled to such compensation as may be reasonable under the circumstances and the court may, in the decree of distribution or thereafter, determine such reasonable compensation and, in its discretion, fix or allow a periodic compensation for the trustee or trustees, to continue as long as it may deem proper. Unless the will provides or the trustees agree otherwise, if there are two or more trustees, the compensation shall be apportioned among the trustees according to the services rendered by them respectively. On settlement of each account the court shall allow the testamentary trustee his proper expenses and compensation for services as provided herein.

CHAPTER 938

An act to add Section 128 to, and to repeal Section 128, as added by Chapter 1363 of the Statutes of 1971, of, the Business and Professions Code, relating to businesses and professions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1972 Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 128 of the Business and Professions Code, as added by Chapter 1363 of the Statutes of 1971, is repealed.

SEC. 2. Section 128 is added to the Business and Professions Code, to read:

128. (a) Notwithstanding any other provision of law, if at the end of the 1971-1972 fiscal year, or any fiscal year thereafter, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount which equals or is more than the agency's operating budget for the next two fiscal years, such agency shall reduce license or other fees, whether such license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount which will reduce any surplus funds of the agency to an amount less than the agency's operating

budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of the 1973–1974 fiscal year, or any fiscal year thereafter, the California State Board of Architectural Examiners, the Board of Behavioral Science Examiners, the Board of Examiners in Veterinary Medicine, the Certified Shorthand Reporters Board, the Board of Medical Examiners of the State of California, the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, the Bureau of Collection and Investigative Services, or the State Board of Dry Cleaners; has unencumbered funds in an amount which equals or is more than the agency's operating budget for the next two fiscal years, such agency shall reduce license or other fees, whether such license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount which will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present requirement of a pro rata reduction of all fees of agencies within the Department of Consumer Affairs with prescribed unencumbered funds will create severe administrative problems, produce inequitable results, and in some instances fail to accomplish the intended objective. To avoid these consequences, it is necessary that this act become effective immediately.

CHAPTER 939

An act to add Section 513.1 to the Public Resources Code, relating to the state park system.

[Approved by Governor August 15, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 513.1 is added to the Public Resources Code, to read:

513.1. The department may provide space and facilities for schools to use for environmental education purposes within units of the state park system.

CHAPTER 940

An act to amend Sections 15961 and 15962 of, and to add Section 15962.5 to, the Education Code, relating to school district contracts.

[Approved by Governor August 15, 1972 Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 15961 of the Education Code is amended to read:

15961. Wherever in this code the power to contract is invested in the governing board of the school district or any member thereof, such power may by a majority vote of the board be delegated to its district superintendent, or to such persons as he may designate, or if there be no district superintendent then to such other officer or employee of the district as the board may designate. Such delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct; provided, however, that no contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, said approval or ratification to be evidenced by a motion of said board duly passed and adopted. In the event of malfeasance in office, the school district official invested by the governing board with such power of contract shall be personally liable to the school district employing him for any and all moneys of the district paid out as a result of such malfeasance.

SEC. 2. Section 15962 of the Education Code is amended to read:

15962. The governing board by majority vote may adopt a rule, delegating to such officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus and equipment. No such rule shall authorize any officer or employee to make any purchases involving an expenditure by the district of ten thousand dollars (\$10,000) or more. The rule shall prescribe the limits of the delegation as to time, money, and subject matter. All transactions entered into by such officer or employee shall be reviewed by the governing board every 60 days.

In the event of malfeasance in office, the school district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out as a result of such malfeasance.

SEC. 3. Section 15962.5 is added to the Education Code, to read:

15962.5. The governing board of any school district with an average daily attendance of not less than 60,000 may by majority vote authorize its district superintendent, or such person as he may designate, to expend up to one hundred dollars (\$100) per transaction for work done, compensation for employees or

consultants, and purchases of equipment, supplies, or materials. Ratification by the governing board shall not be required with respect to transactions entered into pursuant to this section. In the event of malfeasance in office, the school district official invested by the governing board with authority to act under this section shall be personally liable for any and all moneys of the district paid out as a result of such malfeasance.

CHAPTER 941

An act to add Chapter 4 (commencing with Section 1961) to Title 5 of Part 4 of Division 3 of the Civil Code, relating to identification of property owners.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 1961) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 4. IDENTIFICATION OF PROPERTY OWNERS

1961. The provisions of this chapter shall apply to every multiunit dwelling structure in excess of two units which is offered to the public for rent or for lease for residential purposes as a tenant.

1962. (a) The owner of any dwelling structure specified in Section 1961 or a party signing a rental agreement on behalf of the owner shall disclose therein the name and usual address of each person who is

(1) Authorized to manage the premises; and

(2) An owner of the premises or who is authorized to act for and on behalf of the owner for the purpose of service of process and for the purpose of receiving and receipting for all notices and demands.

(b) In the case of an oral rental agreement the owner or a person acting on behalf of the owner for the receipt of rent or otherwise, on written demand, shall furnish the tenant with a written statement containing the information required by subdivision (a).

(c) The information required by this section shall be kept current and the provisions of this section shall extend to and be enforceable against any successor owner or manager.

(d) If a party who enters into a rental agreement on behalf of the owner fails to comply with this section, he is deemed an agent of each person who is an owner:

(1) For the purpose of service of process and receiving and receipting for notices and demands; and

(2) For the purpose of performing the obligations of the owner

under law and under the rental agreement.

(e) Nothing in this section limits or excludes the liability of any undisclosed owner.

1962.5. (a) Notwithstanding subdivisions (a) and (b) of Section 1962, the information required by Section 1962 to be disclosed to a tenant may, instead of being disclosed in the manner described in subdivisions (a) and (b) of Section 1962, be disclosed by the following method:

(1) In each multiunit dwelling structure containing an elevator a printed or typewritten notice containing the information required by Section 1962 shall be placed in every elevator and in one other conspicuous place.

(2) In each multiunit structure not containing an elevator, a printed or typewritten notice containing the information required by Section 1962 shall be placed in at least two conspicuous places.

(b) Except as provided in subdivision (a), all the provisions of Section 1962 shall be applicable.

SEC. 2. This act shall become operative on July 1, 1973.

CHAPTER 942

An act to amend Section 11525 of the Business and Professions Code and to add Section 66412.5 to the Government Code, relating to subdivisions.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11525 of the Business and Professions Code is amended to read:

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties. Every county and city shall adopt an ordinance regulating and controlling the design and improvement of subdivisions. Such ordinance shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to offsite property.

SEC. 2. Section 66412.5 is added to the Government Code, to read:

66412.5. Every county or city adopting an ordinance to regulate and control subdivisions shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to offsite property.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1118 are both chaptered, that Section 1 of this act shall not become operative, and if Senate Bill No. 1118 is not chaptered that Section 2 of this act shall not become operative.

CHAPTER 943

An act to amend Section 767 of the Education Code, relating to county superintendents of schools.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1972 Regular Session of the Legislature, or as soon thereafter as practicable, the salaries of the county superintendents of schools shall be computed in the following manner, provided that in no event shall the salary of any county superintendent of schools exceed the salary of the Superintendent of Public Instruction as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

(a) Class one	3.561
(b) Class two	3.092
(c) Class three.....	2.717
(d) Class four.....	2.483
(e) Class five	2.249
(f) Class six.....	2.013
(g) Class seven	1.732
(h) Class eight.....	1.357

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be eleven thousand ninety dollars (\$11,090).

The cost of salaries of any county superintendents of schools required to be paid by this section shall be divided between the state and the respective county as follows: For counties within class one (1) the state shall pay sixty-nine percent (69%) and the county shall pay thirty-one percent (31%); in all counties within class two (2), the state shall pay sixty-nine percent (69%) and the county shall pay thirty-one percent (31%); for counties within class three (3) the state shall pay seventy-one percent (71%) and the county shall pay twenty-nine percent (29%); for counties within class four (4) the

state shall pay seventy-two percent (72%) and the county shall pay twenty-eight percent (28%); for counties within class five (5) the state shall pay seventy-four percent (74%) and the county shall pay twenty-six percent (26%); for counties within class six (6) the state shall pay eighty-one percent (81%) and the county shall pay nineteen percent (19%); for counties within class seven (7) the state shall pay eighty-eight percent (88%) and the county shall pay twelve percent (12%); for counties within class eight (8) the state shall pay eighty-three percent (83%) and the county shall pay seventeen percent (17%).

CHAPTER 944

An act to amend Sections 73561 and 74001 of the Government Code, relating to municipal courts.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 73561 of the Government Code is amended to read:

73561. There shall be three judges.

SEC. 2. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the North Orange County Municipal Court, eight; in the Central Orange County Municipal Court, 11; in the West Orange County Municipal Court, eight; in the Orange County Harbor Municipal Court, four; and in the South Orange County Municipal Court, three.

CHAPTER 945

An act to add Article 4 (commencing with Section 12580) to Chapter 6 of Title 2 of Part 4 of the Penal Code, relating to blowguns, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION. 1. Article 4 (commencing with Section 12580) is added to Chapter 6 of Title 2 of Part 4 of the Penal Code, to read:

Article 4. Blowguns

12580. "Blowgun," as used in this article, means a hollow tube designed and intended to be used as a tube through which a dart is propelled by the force of the breath of the user.

12581. "Blowgun ammunition," as used in this article, means a dart designed and intended for use in a blowgun.

12582. Any person who knowingly manufactures, sells, offers for sale, possesses, or uses a blowgun or blowgun ammunition in this state is guilty of a misdemeanor.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

Blowguns have been developed that can cause serious injury and death. The present unregulated manufacture, possession, sale and use of blowguns present an immediate hazard to the citizens of this state.

CHAPTER 946

An act to amend Section 5321 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5321 of the Streets and Highways Code is amended to read:

5321. All real property acquired by the State of California or any department thereof is property subject to assessment in proceedings conducted under this division, except real property acquired prior to the filing in the office of the county recorder of a copy of the map of the assessment district pursuant to Section 3111, and which is located within the right-of-way of a state highway or proposed state highway. For the purposes of this section, property shall be deemed to have been acquired upon the vesting of title, or the filing of a condemnation action, whichever occurs first. The local agency shall notify the Department of Public Works of any proceedings or hearings to be held relative to the establishment of a map of the assessment district pursuant to Section 3111.

CHAPTER 947

An act to amend Sections 986.3 and 986.5 of the Military and Veterans Code, relating to veterans.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed twenty-five thousand dollars (\$25,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section: "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

SEC. 2. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The purchase price of a home to the department, shall not exceed the sum of twenty-five thousand dollars (\$25,000). A veteran purchasing the home may advance, subject to the provisions of Section 986.4, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars (\$80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

CHAPTER 948

An act to amend Sections 985, 986.3, 986.5, 987, 987.1, 987.15, and 987.17, and to repeal Section 987.16a, of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 985 of the Military and Veterans Code, as amended by Chapter 438 of the Statutes of 1971, is amended to read:
985. Definitions.

(a) "Farm" means a tract of land, which, in the opinion of the department, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(b) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (i) of this section. It also includes a "mobilehome," as defined in subdivision (j) of this section.

(c) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the department.

(d) "Purchase price" means the price which the department pays for any farm or home.

(e) "Selling price" means the price for which the department sells any farm or home.

(f) "Initial payment" means the first payment to be made by a purchaser to the department for a farm or home.

(g) As used in this article, "veteran" includes, in addition to the persons described in Section 980, all members of the armed services who were residents of California under the provisions of Section 980.

(h) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(i) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the department, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

(j) As used in this article, "mobilehome" means either a parcel of real estate, or an undivided interest in common in a portion of a parcel of real property, on which is situate a mobilehome as will, in the opinion of the department, suit the needs of the purchaser and his dependents as a place of abode and meets all requirements of local governmental jurisdictions.

SEC. 2. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed twenty thousand dollars (\$20,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings, or for the purchase of a mobilehome:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed, or is

the owner in fee of the real property or the owner of an undivided interest in common in a portion of a parcel of real property on which a mobilehome is to be situate, and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

SEC. 3. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The purchase price of a home to the department shall not exceed the sum of twenty thousand dollars (\$20,000), except that the purchase price of a mobilehome to the department shall not exceed twelve thousand five hundred dollars (\$12,500), and a veteran purchasing the home may advance, subject to the provisions of Section 986.4, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars (\$80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

SEC. 4. Section 987 of the Military and Veterans Code is amended

to read:

987. The purchaser shall make an initial payment of at least 10 percent of the selling price of the property, in case of a farm, and 5 percent in the case of a home. The department may waive the initial payment in any case where the value of the property as determined by the department appraisal shall equal the amount to be paid by the department plus at least 10 percent in the case of a farm, and 5 percent in the case of a home. The balance of the purchase price may be amortized over a period fixed by the department, not exceeding 40 years for farms or homes, but not exceeding 15 years for mobilehomes, together with interest thereon at the rate as determined by the department pursuant to Section 987.17 for such amortization purposes. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the department may for good cause postpone from time to time, upon terms as the department deems proper, the payment of the whole or any part of any installment of the purchase price or interest thereon.

SEC. 5. Section 987.1 of the Military and Veterans Code is amended to read:

987.1. The department in each individual case may specify the terms of the contract entered into with the purchaser, but no property sold under the provisions of this article shall, voluntarily or involuntarily, by operation of law or otherwise, be transferred, assigned, encumbered, leased, let or sublet, in whole or in part, nor shall any mobilehome be removed from its original site, except in case of emergency where temporary removal is necessary to avoid potential damage, without the written consent of the department, until the purchaser has paid therefor in full and has complied with all the terms and conditions of this contract of purchase.

SEC. 6. Section 987.15 of the Military and Veterans Code is amended to read:

987.15. The department shall not acquire a home in which the veteran has an interest of record except in the following instances:

(a) Where the application is for aid for the construction of a home upon unimproved real property owned by the applicant.

(b) Where the veteran had no interest of record in the property at the time of filing his application and thereafter secured interim financing pending the processing and approval of his application by the department.

(c) Where the application is to pay the balance due on an existing loan not insured or guaranteed by the federal government, and which bears an interest rate of more than 5¼ percent.

(d) Where the application is for purchase of a mobilehome to be situated upon real property, or an undivided interest therein, owned by the applicant.

SEC. 7. Section 987.16a of the Military and Veterans Code is repealed.

SEC. 8. Section 987.17 of the Military and Veterans Code is

amended to read:

987.17. The department shall establish the actual interest rate to be paid. To this end the department, by a two-thirds vote of California Veterans Board members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract. The California Veterans Board and the Veterans' Finance Committee shall periodically, at least once each year, make a finding as to the rate of interest to be charged, not to exceed 5 percent per annum on contracts for the purchase of farms or homes, and not to exceed 8 percent per annum on contracts for the purchase of mobilehomes, taking into consideration the current value of money, bond market conditions, and the solvency of the Veterans' Farm and Home Building Fund of 1943. The California Veterans Board may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, as well as the contract holders, if in so doing its action is made applicable alike to any and all contract holders and 90 days' advance notice be given of the time when the new rate of interest is to become effective. Any change in the interest rate shall not affect the total amount of any installment payment, but the difference shall be credited to interest or principal and accelerate or prolong the period of payment.

CHAPTER 949

An act to add Sections 39079, 39079.5, and 39276 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 39079 is added to the Health and Safety Code, to read:

39079. For the purpose of carrying out the duties imposed upon the board, or any air pollution control district, the board or such district, as the case may be, may adopt rules and regulations to require the owner or the operator of any air pollution emission source to take such action as the board or the district may determine to be reasonable for the determination of the amount of such emission from such source.

SEC. 2. Section 39079.5 is added to the Health and Safety Code, to read:

39079.5. For the purpose of enforcing or administering any state

or local law, order, regulation, or rule relating to air pollution, the executive officer of the board or any air pollution control officer having jurisdiction, or an authorized representative of such officer, upon presentation of his credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained in connection therewith by the board or any air pollution control district.

SEC. 3. Section 39276 is added to the Health and Safety Code, to read:

39276. The board and the air pollution control districts shall endeavor to attain not only the ambient air quality standards established by the board pursuant to subdivision (b) of Section 39051, but also the ambient air quality standards established by the Environmental Protection Agency pursuant to Section 1857c-4 of Title 42 of the United States Code. The board may order, pursuant to Section 39273, review of a coordinated basinwide air pollution control plan for revision to attain federal ambient air quality standards in the basin, as part of the state implementation plan required under Section 1857c-5 of Title 42 of the United States Code. Such revision shall be filed with the board within 60 days of the request of the board, and the air pollution control districts shall adopt rules and regulations implementing such plans within 60 days after final adoption by the board pursuant to Section 39274.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the State Air Resources Board and the air pollution control districts may exercise the additional authority that would be conferred on them by this act at the earliest possible time for the control of air pollution within the state, it is necessary that this act take effect immediately.

CHAPTER 950

An act to amend Sections 24225, 24226, 24295, 24297, 24299, 24300, 24301, 24312, 24313, 24314, 24357, 24357.1, 24365.6, 24365.8, 24365.10, 24367.2, 24367.3, 24367.4, 24367.11, 39420, 39421, 39474, 39476, 39478, 39480, 39492, 39493, and 39494 of, and to add Sections 24314.1, 24321.1, 24367.12, 24367.13, 39494.1, and 39500.1 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24225 of the Health and Safety Code is amended to read:

24225. (a) The air pollution control board shall appoint a hearing board to consist of five members, none of whom is otherwise employed by the air pollution control district or by the county. One member shall have been admitted to the practice of law in this state. One member shall be a chemical or mechanical engineer. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

(b) If the air pollution control board in a county having a population of less than 500,000 inhabitants is unable to secure a person with the qualifications prescribed by subdivision (a), who is willing and able to serve, and for that reason a vacancy exists on the hearing board, it may, in order to fill the vacancy, appoint to such hearing board any person.

SEC. 3. Section 24226 of the Health and Safety Code is amended to read:

24226. The air pollution control board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. One of the two additional members added to the hearing board by the amendments to Section 24225 enacted by the Legislature at the 1972 Regular Session shall be appointed for a term of one year, and one shall be appointed for a term of two years. Thereafter, the terms of members of the hearing board shall be three years.

SEC. 4. Section 24295 of the Health and Safety Code is amended to read:

24295. (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(b) The board shall also send notice of the hearing to every daily newspaper of general circulation in the district and to every person

who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

SEC. 5. Section 24297 of the Health and Safety Code is amended to read:

24297. In determining under what conditions and to what extent a variance from such requirements is necessary and will be permitted, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with such requirements or resulting from granting a variance.

SEC. 6. Section 24299 of the Health and Safety Code is amended to read:

24299. (a) The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the air pollution control officer, upon the permittee affected, and upon all other persons who have filed with the hearing board or air pollution control officer a written request for such notification.

(b) The board shall also send notice of the hearing to every daily newspaper of general circulation in the district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

SEC. 7. Section 24300 of the Health and Safety Code is amended to read:

24300. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

SEC. 8. Section 24301 of the Health and Safety Code is amended to read:

24301. The hearing board, in making any order permitting a variance, may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year only after another hearing.

SEC. 9. Section 24312 of the Health and Safety Code is amended to read:

24312. The hearing board may hold a hearing in bank or may designate three or four of their number to hold a hearing.

SEC. 10. Section 24313 of the Health and Safety Code is amended

to read:

24313. If three or more members of the hearing board conduct a hearing, the concurrence of three shall be necessary for a decision.

SEC. 11. Section 24314 of the Health and Safety Code is amended to read:

24314. The hearing board, not less than four being present, may, in its discretion, within 30 days rehear any matter which was decided by three members.

SEC. 12. Section 24314.1 is added to the Health and Safety Code, to read:

24314.1. Any hearing conducted by the hearing board shall be held in a location readily accessible to the public.

SEC. 13. Section 24321.1 is added to the Health and Safety Code, to read:

24321.1. All orders of the hearing board shall be in writing and shall contain the reasons for the board's decision.

SEC. 14. Section 24357 of the Health and Safety Code is amended to read:

24357. The district board shall appoint a hearing board, to consist of five members, none of whom is otherwise employed by the district. One member shall have been admitted to the practice of law in this state. One member shall be a chemical or mechanical engineer. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

SEC. 15. Section 24357.1 of the Health and Safety Code is amended to read:

24357.1. The district board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. One of the two additional members added to the hearing board by the amendments to Section 24357 enacted by the Legislature at the 1972 Regular Session shall be appointed for a term of one year, and one shall be appointed for a term of two years. Thereafter, the terms of members of the hearing board shall be three years.

SEC. 16. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In determining under what conditions and to what extent a variance from such requirements is necessary and will be permitted, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24346 and subdivision (c) of Section 24346.1, shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with such requirements or resulting from granting a variance.

SEC. 17. Section 24365.8 of the Health and Safety Code is

amended to read:

24365.8. (a) The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon the permittee affected, and upon all other persons who have filed with the hearing board or control officer a written request for such notification.

(b) The board shall also send notice of the hearing to every daily newspaper of general circulation in each of the counties within the district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

SEC. 18. Section 24365.10 of the Health and Safety Code is amended to read:

24365.10. The hearing board, in making any order permitting a variance, may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year only after another hearing.

SEC. 19. Section 24367.2 of the Health and Safety Code is amended to read:

24367.2. The hearing board may hold a hearing in bank or may designate three or four of their number to hold a hearing.

SEC. 20. Section 24367.3 of the Health and Safety Code is amended to read:

24367.3. If three or more members of the hearing board conduct a hearing, the concurrence of three shall be necessary for a decision.

SEC. 21. Section 24367.4 of the Health and Safety Code is amended to read:

24367.4. The hearing board, not less than four being present, may, in its discretion, within 30 days rehear any matter which was decided by three members.

SEC. 22. Section 24367.11 of the Health and Safety Code is amended to read:

24367.11. All orders of the hearing board shall be in writing and shall contain the reasons for the board's decision.

SEC. 23. Section 24367.12 is added to the Health and Safety Code, to read:

24367.12. The hearing board may adopt rules for the conduct of its hearings not inconsistent with this chapter. Such rules shall so far as practicable conform to the rules for administrative adjudication by state agencies in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

SEC. 24. Section 24367.13 is added to the Health and Safety Code, to read:

24367.13. Any hearing conducted by the hearing board shall be held in a location readily accessible to the public.

SEC. 25. Section 39420 of the Health and Safety Code is amended to read:

39420. Within 30 days after the regional district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the regional board shall appoint a hearing board, to consist of five members, none of whom is otherwise employed by the district. One member shall have been admitted to the practice of law in this state. One member shall be registered as a professional engineer in California and experienced in the field of air pollution control. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

SEC. 26. Section 39421 of the Health and Safety Code is amended to read:

39421. The regional board shall appoint two members of the hearing board for a term of one year, two for a term of two years, and one for a term of three years. Thereafter, the terms of members of the hearing board shall be three years.

SEC. 27. Section 39474 of the Health and Safety Code is amended to read:

39474. (a) The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(b) The board shall also send notice of the hearing to every daily newspaper of general circulation in each of the counties within the regional district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the regional district of the nature and purpose of the meeting.

SEC. 28. Section 39476 of the Health and Safety Code is amended to read:

39476. In determining under what conditions and to what extent a variance from such requirements is necessary and will be permitted, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the regional district and to any lawful business, occupation or activity involved, resulting from requiring compliance with such requirements or resulting from granting a variance.

SEC. 29. Section 39478 of the Health and Safety Code is amended to read:

39478. (a) The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon the permittee affected, and upon all other persons who have filed with the hearing board or control officer a written request for such notification.

(b) The board shall also send notice of the hearing to every daily

newspaper of general circulation in each of the counties within the regional district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

SEC. 30. Section 39480 of the Health and Safety Code is amended to read:

39480. The hearing board, in making any order permitting a variance, may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year only after another hearing.

SEC. 31. Section 39492 of the Health and Safety Code is amended to read:

39492. The hearing board may hold a hearing in bank or may designate three or four of their number to hold a hearing.

SEC. 32. Section 39493 of the Health and Safety Code is amended to read:

39493. If three or more members of the hearing board conduct a hearing, the concurrence of three shall be necessary for a decision.

SEC. 33. Section 39494 of the Health and Safety Code is amended to read:

39494. The hearing board, not less than four being present, may, in its discretion, within 30 days rehear any matter which was decided by three members.

SEC. 34. Section 39494.1 is added to the Health and Safety Code, to read:

39494.1. Any hearing conducted by the hearing board shall be held in a location readily accessible to the public.

SEC. 35. Section 39500.1 is added to the Health and Safety Code, to read:

39500.1. All orders of the hearing board shall be in writing and shall contain the reasons for the board's decision.

SEC. 36. Section 24297 of the Health and Safety Code is amended to read:

24297. In prescribing other and different requirements, in accordance with Section 24296, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 37. Section 24297 of the Health and Safety Code is amended to read:

24297. In determining under what conditions and to what extent a variance from such requirements is necessary and will be permitted, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of

Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with such requirements or resulting from granting a variance.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 38. Section 24297 of the Health and Safety Code is amended to read:

24297. In prescribing other and different requirements, in accordance with Section 24296, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 39. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In prescribing other and different requirements, in accordance with subdivision (a) of Section 24365.5, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24346 and subdivision (c) of Section 24346.1, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 40. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In determining under what conditions and to what extent a variance from such requirements is necessary and will be permitted, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24346 and subdivision (c) of Section 24346.1, shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with such requirements or resulting from granting a variance.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 41. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In prescribing other and different requirements, in accordance with subdivision (a) of Section 24365.5, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24346 and subdivision (c) of Section 24346.1, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation,

or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 42. Section 39476 of the Health and Safety Code is amended to read:

39476. In prescribing other and different requirements, in accordance with Section 39475, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the regional district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 43. Section 39476 of the Health and Safety Code is amended to read:

39476. In determining under what conditions and to what extent a variance from such requirements is necessary and will be permitted, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the regional district and to any lawful business, occupation or activity involved, resulting from requiring compliance with such requirements or resulting from granting a variance.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution

control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 44. Section 39476 of the Health and Safety Code is amended to read:

39476. In prescribing other and different requirements, in accordance with Section 39475, the hearing board, insofar as in consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the regional district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 45. It is the intent of the Legislature that if this bill and Assembly Bill No. 549 or Senate Bill No. 61, or both, are chaptered and amend Section 24297 of the Health and Safety Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 549 are both chaptered and amend Section 24297 of the Health and Safety Code, but Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 549, the amendments proposed by both bills shall be given effect and incorporated in Section 24297 in the form set forth in Section 36 of this act. Therefore, if Assembly Bill No. 549 is chaptered before this

bill and both bills amend Section 24297, and Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, Section 36 of this act shall be operative and Sections 5, 37, and 38 of this act shall not become operative.

(b) If this bill and Senate Bill No. 61 are both chaptered and amend Section 24297 of the Health and Safety Code, but Assembly Bill No. 549 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 61, the amendments proposed by both bills shall be given effect and incorporated in Section 24297 in the form set forth in Section 37 of this act. Therefore, if Senate Bill No. 61 is chaptered before this bill and both bills amend Section 24297, and Assembly Bill No. 549 is not chaptered or as chaptered does not amend that section, Section 37 shall be operative and Sections 5, 36, and 38 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 549 and Senate Bill No. 61 are all chaptered, and all three bills amend Section 24297 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 549 and Senate Bill No. 61, the amendments proposed by all three bills shall be given effect and incorporated in Section 24297 in the form set forth in Section 38 of this act. Therefore, if Assembly Bill No. 549 and Senate Bill No. 61 are both chaptered before this bill and all three bills amend Section 24297 of the Health and Safety Code, Section 38 of this act shall be operative and Sections 5, 36, and 37 of this act shall not become operative.

SEC. 46. It is the intent of the Legislature that if this bill and Assembly Bill No. 549 or Senate Bill No. 61, or both, are chaptered and amend Section 24365.6 of the Health and Safety Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 549 are both chaptered and amend Section 24365.6 of the Health and Safety Code, but Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 549, the amendments proposed by both bills shall be given effect and incorporated in Section 24365.6 in the form set forth in Section 39 of this act. Therefore, if Assembly Bill No. 549 is chaptered before this bill and both bills amend Section 24365.6, and Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, Section 39 of this act shall be operative and Sections 16, 40, and 41 of this act shall not become operative.

(b) If this bill and Senate Bill No. 61 are both chaptered and amend Section 24365.6 of the Health and Safety Code, but Assembly Bill No. 549 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 61, the amendments proposed by both bills shall be given effect and incorporated in Section 24365.6 in the form set forth in Section 40 of this act. Therefore, if Senate Bill No. 61 is chaptered before this bill and both bills amend Section 24365.6, and Assembly Bill No. 549 is not

chaptered or as chaptered does not amend that section, Section 40 shall be operative and Sections 16, 39, and 41 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 549 and Senate Bill No. 61 are all chaptered, and all three bills amend Section 24365.6 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 549 and Senate Bill No. 61, the amendments proposed by all three bills shall be given effect and incorporated in Section 24365.6 in the form set forth in Section 41 of this act. Therefore, if Assembly Bill No. 549 and Senate Bill No. 61 are both chaptered before this bill and all three bills amend Section 24365.6 of the Health and Safety Code, Section 41 of this act shall be operative and Sections 16, 39, and 40 of this act shall not become operative.

SEC. 47. It is the intent of the Legislature that if this bill and Assembly Bill No. 549 or Senate Bill No. 61, or both, are chaptered and amend Section 39476 of the Health and Safety Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 549 are both chaptered and amend Section 39476 of the Health and Safety Code, but Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 549, the amendments proposed by both bills shall be given effect and incorporated in Section 39476 in the form set forth in Section 42 of this act. Therefore, if Assembly Bill No. 549 is chaptered before this bill and both bills amend Section 39476, and Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, Section 42 of this act shall be operative and Sections 28, 43, and 44 of this act shall not become operative.

(b) If this bill and Senate Bill No. 61 are both chaptered and amend Section 39476 of the Health and Safety Code, but Assembly Bill No. 549 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 61, the amendments proposed by both bills shall be given effect and incorporated in Section 39476 in the form set forth in Section 43 of this act. Therefore, if Senate Bill No. 61 is chaptered before this bill and both bills amend Section 39476, and Assembly Bill No. 549 is not chaptered or as chaptered does not amend that section, Section 43 shall be operative and Sections 28, 42, and 44 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 549 and Senate Bill No. 61 are all chaptered, and all three bills amend Section 39476 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 549 and Senate Bill No. 61, the amendments proposed by all three bills shall be given effect and incorporated in Section 39476 in the form set forth in Section 44 of this act. Therefore, if Assembly Bill No. 549 and Senate Bill No. 61 are both chaptered before this bill and all three bills amend Section 39476 of the Health and Safety Code, Section 44 of this act shall be operative and Sections 28, 42, and 43 of this act shall not become operative.

CHAPTER 951

An act making an appropriation for the repair of levees.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. All acts of the Tehama County Flood Control and Water Conservation District in securing, at a cost of six thousand four hundred sixty dollars (\$6,460), repair work to the south bank of Thomes Creek, are hereby confirmed, validated and declared sufficient to create a legal obligation of the Tehama County Board of Supervisors to pay such amount to Jim Davies and Robert L. Burt, apportioned as claims of three thousand two hundred thirty dollars (\$3,230) each.

The provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts heretofore taken as the Legislature could have supplied or provided before the acts were taken.

CHAPTER 952

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorist insurance.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) (1) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally

entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured, prior to or subsequent to the issuance or renewal of a policy, may, by agreement in writing, in the form specified in paragraph (2), delete the provision covering damage caused by an uninsured motor vehicle (1) completely, or (2) with respect to a natural person or persons designated by name when operating a motor vehicle. Either of such deletions by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply while such policy is in force, and shall continue to be so binding with respect to any continuation, renewal, or replacement of such policy by the named insured, or with respect to reinstatement of such policy within 30 days of any lapse thereof. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(2) The agreement specified in paragraph (1) shall be in the following form:

“The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Such section also permits the insurer and the applicant to delete such coverage completely or with respect to one or more natural persons designated by name when operating a motor vehicle. Uninsured motorists coverage insures the insured, his heirs, or legal representatives for all sums within the financial responsibility limits which such person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to him from the owner or operator of an uninsured motor vehicle not owned or operated by the insured.”

Such agreement may contain additional statements not in derogation of or conflict with the foregoing. The execution of such agreement shall relieve the insurer of liability under this section while such agreement remains in effect.

(b) As used in (a) above, “bodily injury” includes sickness or disease, including death, resulting therefrom; the term “named insured” means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term “insured” means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term “insured motor vehicle” means the motor vehicle described in the underlying

insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a

policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law, or directly to the benefit of the United States, or any state or any political subdivision thereof.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c) (2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled

to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. If the insured has or may have rights to benefits, other than nonoccupational disability benefits, under any workmen's compensation law, the arbitrator shall not proceed with the arbitration until the insured's physical condition is stationary and ratable. In those cases in which the insured claims a permanent disability, such claims shall, unless good cause be shown, be adjudicated by award or settled by compromise and release before the arbitration may proceed. Any demand or petition for arbitration shall contain a declaration, under penalty of perjury, stating whether (i) the insured has a workmen's compensation claim; (ii) such claim has proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim; and (iii) if not, what reasons amounting to good cause are grounds for the arbitration to proceed immediately. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in such Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in such Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause

shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a) (4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b) (2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(g) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(h) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law, exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(i) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been

concluded, or

(3) The insured has formally instituted arbitration proceedings.

(j) Notwithstanding the provisions of subdivisions (b) and (i), in the event the accident occurs in any other state or foreign jurisdiction to which coverage is extended under the policy and the insurer of the tortfeasor becomes insolvent, any action authorized pursuant to the provisions of this section may be maintained within three months of the insolvency of the tortfeasor's insurer, but in no event later than the pertinent period of limitation of the jurisdiction in which the accident occurred.

(k) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

SEC. 2. This act shall become operative January 1, 1973, or the effective date of statutes enacted at the 1972 Regular Session, whichever is later.

SEC. 3. The amendments to subdivision (a) of Section 11580.2 of the Insurance Code enacted at the 1972 Regular Session shall not affect the validity or binding force of any agreement executed pursuant to such section prior to the effective date of such amendments.

CHAPTER 953

An act to amend Section 4850 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4850 of the Vehicle Code is amended to read:
4850. (a) The department upon registering a vehicle shall issue to the owner two suitable license plates or devices for a motor vehicle, other than a motorcycle, and one suitable license plate or device for all other vehicles required to be registered under this code. The plates or devices shall identify the vehicles for which they are issued for the period of their validity. License plates issued under this section shall be safety license plates which are either partially reflectorized or entirely reflectorized.

The department shall implement the change from unreflectorized license plates to reflectorized safety license plates as soon as it is

practicable, but in no event shall such plates be issued for any calendar year prior to the 1974 calendar year.

(b) Notwithstanding any other provision of law, no contract shall be let to any nongovernmental entity for the manufacturing of such reflectorized safety license plates, or for the purchase or securing of reflectorized material for such plates, unless bids are received from at least two independent, responsible bidders, neither of which is a licensee of the other.

(c) This section shall be known as the Schrade-Belotti Act.

CHAPTER 954

An act to add Chapter 2 (commencing with Section 9975) to Division 3.6 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 9975) is added to Division 3.6 of the Vehicle Code, to read:

CHAPTER 2. MANUFACTURER'S RESPONSIBILITY FOR SAFETY DEFECTS

9975. Every manufacturer of a motor vehicle who furnishes notification to the registered owner of the motor vehicle of any defect in the motor vehicle or motor vehicle equipment which relates to motor vehicle safety, shall, notwithstanding any limitation in any warranty relating to the motor vehicle, correct such defect without charge to the registered owner of the vehicle or, at the manufacturer's election, reimburse the registered owner for the cost of making such correction.

The manufacturer of such motor vehicle shall not be liable for the cost of such correction if the registered owner of the motor vehicle does not seek to have the correction made within 45 days after receipt of the notification or within the warranty period of the motor vehicle, whichever is longer.

CHAPTER 955

An act to amend and supplement the Budget Bill for the 1972-1973 fiscal year (enacted as the Budget Act of 1972) by adding thereto Section 2.5A, relating to an appropriation to develop coastal resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972 Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.5A is added to the Budget Bill for the 1972-73 fiscal year enacted as the Budget Act of 1972 (Chapter 156, Statutes of 1972), to read:

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND PROGRAM

Sec. 2.5A. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of the State Beach, Park, Recreational, and Historical Facilities Fund in the State Treasury.

CAPITAL OUTLAY

Item	Amount
323A—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(b) of the Public Resources Code for expenditure during the 1972-73, 1973-74, and 1974-75 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund.....	170,000
Schedule:	
(a) For development, San Onofre State Beach.....	340,000
(b) Anticipated federal reimbursements	—170,000

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of the Budget Act of 1972 do not make sufficient provision for the greatly needed development of the San Onofre State Beach. The capital outlay appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to provide for such greatly needed development. If the appropriation is not available for expenditure at the earliest possible

date, the development of the state beach will be delayed. The immediate availability of the capital outlay appropriation contained in this measure will avert any unnecessary delay. It is therefore necessary that this act go into immediate effect.

CHAPTER 956

An act to amend Section 69591 of the Government Code, relating to courts.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 31 judges of the superior court.

CHAPTER 957

An act to amend Sections 12803 and 12804 of the Government Code, and to amend Section 50 of the Labor Code, relating to Department of Industrial Relations.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12803 of the Government Code is amended to read:

12803. The Health and Welfare Agency is hereby renamed the Human Relations Agency.

The Human Relations Agency consists of the following departments: Social Welfare; Mental Hygiene; Rehabilitation; Public Health; Human Resources Development; the Youth Authority; Corrections; and Health Care Services.

The Department of Industrial Relations is hereby transferred from the Human Relations Agency to the Agriculture and Services Agency.

SEC. 2. Section 12803 of the Government Code, as amended by Chapter 333 of the Statutes of 1972, is amended to read:

12803. The Human Relations Agency is hereby renamed the Health and Welfare Agency. The Health and Welfare Agency consists of the following departments: Social Welfare; Mental

Hygiene; Rehabilitation; Public Health; Human Resources Development; the Youth Authority; Corrections; and Health Care Services.

The Department of Industrial Relations is hereby transferred from the Health and Welfare Agency to the Agriculture and Services Agency.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 3. Section 12804 of the Government Code, as amended by Chapter 716 of the Statutes of 1971, is amended to read:

12804. The Youth and Adult Corrections Agency is hereby renamed the Agriculture and Services Agency.

The Agriculture and Services Agency consists of the following: the Department of Agriculture; the Department of Commerce; the Department of General Services; the Department of Veterans Affairs; the Department of Consumer Affairs; the Franchise Tax Board; the Public Employees' Retirement System; the State Fire Marshal; the Department of Industrial Relations; and the State Teachers' Retirement System.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Human Relations Agency.

Notwithstanding any other provision of law, the Department of Industrial Relations is in the Agriculture and Services Agency.

SEC. 3.5. Section 12804 of the Government Code, as amended by Chapter 333 of the Statutes of 1972, is amended to read:

12804. The Youth and Adult Corrections Agency is hereby renamed the Agriculture and Services Agency.

The Agriculture and Services Agency consists of the following: The Department of Agriculture; the Department of Commerce; the Department of General Services; the Department of Veterans Affairs; the Department of Consumer Affairs; the Department of Professional and Vocational Standards; the Franchise Tax Board; the Public Employees' Retirement System; the Office of Consumer Counsel; the State Fire Marshal; the Department of Industrial Relations; and the State Teachers' Retirement System.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Health and Welfare Agency.

SEC. 4. Section 50 of the Labor Code is amended to read:

50. There is in the state government, in the Agriculture and Services Agency, the Department of Industrial Relations.

SEC. 5. It is the intent of the Legislature, if this bill and Chapter 333 of the Statutes of 1972 become operative and amend Section 12803 of the Government Code, that Section 12803 of the Government Code, as amended by Section 3 of Chapter 333, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 12803 proposed by this bill. Therefore, if Chapter 333 becomes operative

before this bill and amends Section 12803, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

SEC. 6. It is the intent of the Legislature, if this bill and Chapter 333 of the Statutes of 1972 become operative and amend Section 12804 of the Government Code, that Section 12804 of the Government Code, as amended by Section 6 of Chapter 333, be further amended on the effective date of this act in the form set forth in Section 3.5 of this act to incorporate the changes in Section 12804 proposed by this bill. Therefore, if Chapter 333 becomes operative before this bill and amends Section 12804, Section 3.5 of this act shall become operative on the effective date of this act and Section 3 of this act shall not become operative.

CHAPTER 958

An act relating to acquisition of lands for the state park system, and making an appropriation therefor.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Bagley Conservation Fund to the Department of Parks and Recreation the sum of two million dollars (\$2,000,000) for land acquisition for Point Lobos State Reserve. Such acquisition shall be subject to the provisions of the Property Acquisition Law (commencing with Section 15850 of the Government Code).

CHAPTER 959

An act relating to the state park system, and in this connection to amend and supplement the Budget Bill for the 1972-1973 fiscal year (enacted as the Budget Act of 1972) by adding thereto Section 2.5A, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.5A is added to the Budget Bill for the 1972-73 fiscal year enacted as the Budget Act of 1972, to read:

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL
FACILITIES BOND ACT PROGRAM

Sec. 2.5A. The following sum of money, or so much thereof as may be necessary, is hereby appropriated for the 1972-73 fiscal year beginning July 1, 1972, and ending June 30, 1973. Such appropriation shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

CAPITAL OUTLAY

Item	Amount
322A—For capital outlay, Department of Parks and Recreation, for purposes set forth in Section 5096.15(a) of the Public Resources Code for expenditure during the 1972-73, 1973-74 and 1974-75 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund.....	33,000
Schedule:	
(a) Land acquisition, El Presidio de Santa Barbara State Historic Park	33,000

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of the Budget Act of 1972 do not make sufficient provision for land acquisition for the greatly needed development of the El Presidio de Santa Barbara State Historic Park. The capital outlay appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to provide for such greatly needed development. If the appropriation is not available for expenditure at the earliest possible date, the development of this important unit of the state park system will be delayed. The immediate availability of the appropriation contained in this measure will avert any unnecessary delay. It is therefore necessary that this act go into immediate effect.

CHAPTER 960

An act to add Sections 14116.45 and 14116.13 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14116.45 is added to the Education Code, to read:

14116.45. Those credentialed members of the San Francisco City and County Employees' Retirement System on June 30, 1972, who make an irrevocable election to be covered only by the State Teachers' Retirement System for prior and future service performed in San Francisco, shall be allowed to be covered for other certificated service concurrently, where the provisions of the city and county charter permit. This shall not include any credited service, as defined in Section 13833.7.

SEC. 2. Section 14116.13 is added to the Education Code, to read:

14116.13. Those persons who on June 30, 1972, were receiving a service retirement allowance from the State Teachers' Retirement System and who at the time such benefit was computed, had it reduced proportionately by the years of service in the local systems covered by social security, as compared with total service credit that otherwise would have been allowed, shall have one-half of such reduction restored prospectively, effective July 1, 1972. The San Francisco City and County Employees' Retirement System shall provide the amount required for such unfunded liability. The present value of the additional allowance shall be transferred to the State Teachers' Retirement System from the San Francisco City and County Employees' Retirement System as of June 30, 1972, and payable on August 1, 1972, plus accrued interest of 6 percent per annum after August 1, 1972.

CHAPTER 961*An act to add Section 12825.5 to the Education Code, relating to public schools.*

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12825.5 is added to the Education Code, to read:

12825.5. No group test directed to ascertaining the intelligence

quotient of a pupil, except intelligence tests administered on an individual basis for the purposes of placement in special education programs, shall be given to any elementary or secondary pupil who has come to the United States for the first time from a foreign country in which English is not the primary language until such student has resided in the United States for two years.

SEC. 2. This act shall not become operative if Assembly Bill No. 483 of the 1972 Regular Session is enacted into law, in which event Section 1 of this act is repealed.

CHAPTER 962

An act to amend and renumber the heading of Part 1 (commencing with Section 21000), Part 2 (commencing with Section 22000), Part 3 (commencing with Section 23000), and Part 4 (commencing with Section 24000), of Title 3 of, to add Part 1 (commencing with Section 20000) to Title 3 of, to add Chapter 3 (commencing with Section 21200) to Part 1 of Title 3 of, and to repeal Chapter 3 (commencing with Section 21200) of Part 1 of Title 3 of, the Corporations Code, relating to unincorporated associations.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 1 (commencing with Section 21000) of Title 3 of the Corporations Code is amended and renumbered to read:

PART 2. NONPROFIT ASSOCIATIONS

SEC. 2. Part 1 (commencing with Section 20000) is added to Title 3 of the Corporations Code, to read:

PART 1. IN GENERAL

20000. The interest of a member of an unincorporated association is personal property.

20001. Any unincorporated society or association, and every lodge or branch of any such society or association, and any labor organization, may, without incorporation, purchase, receive, own, hold, lease, mortgage, pledge, or encumber, by deed of trust or otherwise, manage, and sell all such real estate and other property as may be necessary for the business purposes and objects of the society, association, lodge, branch or labor organization, subject to the laws and regulations of the society, association, lodge, or branch and of the grand lodge thereof, or labor organization; and also may

take and receive by will or deed all property not so necessary, and hold it until disposed of within a period of 10 years from the acquisition thereof.

20002. All conveyances transferring or in any manner affecting the title to real estate owned or held by an unincorporated benevolent or fraternal society or association, or lodge or branch thereof, or labor organization, shall be executed by its presiding officer and recording secretary under its seal after resolution duly adopted by the society, association, lodge, or branch authorizing the conveyance, and in the case of other unincorporated associations for which no specific provision is made by statute shall be executed by (a) its president or other head and secretary, recording secretary, or other comparable officer, or (b) other officers or persons specifically designated by a resolution duly adopted by the association or by a committee or body duly authorized to act by the articles of association or bylaws.

An unincorporated association not otherwise authorized by statute may record in any county in which it owns or has an interest in real property a verified and acknowledged statement, or a certified copy of such statement recorded in another county, setting forth the name of the association, the names of its officers and the title or capacity of its officers and other persons who are authorized on its behalf to execute conveyances of real property owned or held by the association. It shall be conclusively presumed in favor of any bona fide purchaser or encumbrancer for value of real property of the association located in the county in which such statement or certified copy has been recorded that the officers and persons designated in the statement are duly authorized to execute such conveyances unless there is recorded in such county by anyone claiming to be a member of the association a statement, verified and acknowledged by the person executing it, which shall set forth the name of the association, particularly identify the recorded statement of the unincorporated association, and state that such previously recorded statement was recorded without authority or that the officers or other persons designated therein are not so authorized. For the purposes of this paragraph, the definitions of "conveyance" and "purchaser" in Section 15010.5 and the definition of "unincorporated association" in Section 24000 shall apply, except that "unincorporated association" shall not include partnerships.

20003. As used in this part, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

SEC. 3. Chapter 3 (commencing with Section 21200) of Part 1 of Title 3 of the Corporations Code is repealed.

SEC. 4. Chapter 3 (commencing with Section 21200) is added to Part 1 of Title 3 of the Corporations Code, to read:

CHAPTER 3. MEDICAL ASSOCIATIONS

21200. Any unincorporated association that is an organized medical society limiting its membership to doctors of medicine who are licensed physicians and surgeons and that has as members a majority of the eligible physicians and surgeons residing in the area in which it functions (which must be at least one county) may, without incorporation, purchase, receive, own, hold, lease, mortgage, pledge, or encumber by deed of trust or otherwise, manage and sell all such real estate and other property as may be convenient for the purposes and objects of the association. The members of any such unincorporated association are not individually or personally liable for debts or liabilities contracted or incurred by the association in the acquisition of lands or leases or the purchase, leasing, construction, repairing or furnishing of buildings or other structures to be used for the purposes of the association or for debts or liabilities contracted or incurred by the association in the carrying out or performance of any of its purposes; provided, that such purposes are within the purposes stated in Section 21000 of this part.

SEC. 5. The heading of Part 2 (commencing with Section 22000) of Title 3 of the Corporations Code is amended and renumbered to read:

PART 3. JOINT STOCK ASSOCIATIONS

SEC. 6. The heading of Part 3 (commencing with Section 23000) of Title 3 of the Corporations Code is amended and renumbered to read:

PART 4. REAL ESTATE INVESTMENT TRUSTS

SEC. 7. The heading of Part 4 (commencing with Section 24000) of Title 3 of the Corporations Code is amended and renumbered to read:

**PART 5. LIABILITY; LEVIES AGAINST PROPERTY;
DESIGNATION OF AGENT FOR SERVICE AND OF
PRINCIPAL OFFICE**

CHAPTER 963

An act to amend Section 496 of the Penal Code, relating to stolen property.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 496 of the Penal Code is amended to read:

496. 1. Every person who buys or receives any property which has been stolen or which has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds or aids in concealing, selling, or withholding any such property from the owner, knowing the property to be so stolen or obtained, is punishable by imprisonment in a state prison for not more than 10 years, or in a county jail for not more than one year; provided, that where the district attorney or the grand jury determines that such action would be in the interests of justice, the district attorney or the grand jury, as the case may be, may, if the value of the property does not exceed two hundred dollars (\$200), specify in the accusatory pleading that the offense shall be a misdemeanor, punishable only by imprisonment in the county jail not exceeding one year.

2. Every person whose principal business is dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of such person, who buys or receives any property which has been stolen or obtained in any manner constituting theft or extortion, under such circumstances as should cause such person, agent, employee or representative to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it, without making such reasonable inquiry, shall be presumed to have bought or received such property knowing it to have been so stolen or obtained. This presumption may, however, be rebutted by proof.

3. When in a prosecution under this section it shall appear from the evidence that the defendant's principal business was as set forth in the preceding paragraph, that the defendant bought, received, or otherwise obtained, or concealed, withheld or aided in concealing or withholding from the owner, any property which had been stolen or obtained in any manner constituting theft or extortion, and that the defendant bought, received, obtained, concealed or withheld such property under such circumstances as should have caused him to make reasonable inquiry to ascertain that the person from whom he bought, received, or obtained such property had the legal right to sell or deliver it to him, then the burden shall be upon the defendant to show that before so buying, receiving, or otherwise obtaining such property, he made such reasonable inquiry to ascertain that the

person so selling or delivering the same to him had the legal right to so sell or deliver it.

4. Any person who has been injured by a violation of paragraph 1 of this section may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit and reasonable attorney's fees.

CHAPTER 964

An act to amend Sections 1.5, 2.1, 2.5, 3.1, 3.5, 3.16, 3.25, 3.27, 6.55, and 7.11 of, and to add Section 1.9 to, the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961), relating to transit districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.5 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 1.5. "Voter" means any elector who is registered to vote under the provisions of the Elections Code and who resides within the territory proposed for formation of the district or within the territory comprising the district after its formation.

SEC. 2. Section 1.9 is added to the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961), to read:

Sec. 1.9. "Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means the percent of the total vote cast, exclusive of absent voter ballots, within the proposed district, the district, the city, or the territory, as the case may be, at the last general state election.

SEC. 3. Section 2.1 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 2.1. The City of Fresno, together with unincorporated territory, may organize and incorporate as the Fresno Metropolitan Transit District. The City of Clovis shall be included in the proposed district if so authorized by the legislative body of the City of Clovis.

SEC. 4. Section 2.5 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 2.5. The legislative body of the City of Fresno may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Fresno Metropolitan Transit District. The City of Clovis shall be included in the proposed district if the legislative body of the City of Clovis passes a resolution declaring that in its opinion public interest or necessity demands the

inclusion of the City of Clovis. The "resolution," as used in this article and Article 4, means every resolution passed pursuant to this section pertaining to the same proceedings for the formation of the proposed district.

SEC. 5. Section 3.1 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 3.1. (a) If the City of Clovis is not included in the district, the government of the district shall be vested in a board of five members.

(b) If the City of Clovis is included in the district, the government of the district shall be vested in a board of seven members.

SEC. 6. Section 3.5 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 3.5. All members of the board shall be elected at large and shall serve pursuant to the Uniform District Election Law (Part 3 (commencing with Section 25400) of Division 12 of the Elections Code).

The members of the first board shall be elected at large pursuant to the Uniform District Election Law at the formation election of the district. For purposes of electing the members of the board at the formation election of the district, the term "general district election," as used in the Uniform Election District Law, shall be deemed to mean the formation election of the district.

SEC. 7. Section 3.16 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 3.16. The board shall have the power to levy property taxes in the district to pay for the cost of operating transit facilities within the district, subject to a maximum limit of twenty-five cents (\$.25) per one hundred dollars (\$100) of assessed value.

SEC. 8. Section 3.25 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 3.25. All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code).

SEC. 9. Section 3.27 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 3.27. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board and for each day any member is engaged in authorized district business other than attendance at meetings of the board the sum of twenty-five dollars (\$25) but not to exceed one hundred dollars (\$100) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

SEC. 10. Section 6.55 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 6.55. A district may levy, and collect or cause to be collected,

taxes for any lawful purpose, subject to a maximum limit of twenty-five cents (\$0.25) per one hundred dollars (\$100) of assessed value.

SEC. 11. Section 7.11 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 7.11. The board shall comply with the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words "attorney for the district" shall be substituted.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the legislative body of the City of Clovis to have an opportunity to include the City of Clovis in the Fresno Metropolitan Transit District as soon as possible, this act must take effect immediately.

CHAPTER 965

An act to amend Section 74661 and Section 74661.5, as added by Chapter 131 of the Statutes of 1972, of the Government Code, relating to courts.

[Approved by Governor August 16, 1972 Filed with Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 74661 of the Government Code is amended to read:

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas Judicial District	11
Santa Clara Judicial District	2
Los Gatos-Campbell-Saratoga Judicial District	1
Sunnyvale-Cupertino Judicial District	2
Palo Alto-Mountain View Judicial District	4

SEC. 2. Section 74661.5 of the Government Code, as added by Chapter 131 of the Statutes of 1972, is amended to read:

74661.5. The judges of the San Jose-Milpitas Judicial District may appoint one commissioner. The commissioner shall possess the same qualifications as the law requires of a judge of the court. He shall hold office at the pleasure of the judges and shall receive a salary equal to eighty-one and one-half percent (81.5%) of the salary of a judge of the municipal court. The commissioner shall be ex officio deputy clerk of the court and shall be a member of any retirement system which includes attachés of the court and shall receive the same fringe benefits as granted to such attachés.

The commissioner shall not be appointed before July 1, 1973.

CHAPTER 966

An act to amend Section 1 of Chapter 1084 of the Statutes of 1970 and Section 599 of Chapter 1593 of the Statutes of 1971, relating to homemaker services and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1084 of the Statutes of 1970 is amended to read:

Section 1. Counties shall have begun to comply with the provisions of Article 5 (commencing with Section 11170) of Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code by April 1, 1973, and shall be in full compliance with such provisions by April 1, 1974. The department shall establish periodic interim calendar dates by which time the counties shall have demonstrated reasonable progress, as determined by reasonable criteria set forth in advance by the department. Such criteria shall recognize differing circumstances among the counties, and shall provide appropriate flexibility for permitting each county to meet its obligations in consideration of its special or unique problems.

The department shall establish funding sanctions to operate in the event of the failure of a county to meet any or all of the interim progress dates subsequent to July 1, 1973. Such sanctions shall reduce the state sharing in nonfederal administrative costs of administering the payment of aid grants pursuant to Section 42.5 of Chapter 578 of the Statutes of 1971; provided, however, that the cumulative total of any such sanctions imposed on a county for failure to meet interim progress requirements prior to April 1, 1974, shall not exceed 10 percent of the state's share of the county's administrative costs which would otherwise be reimbursable by the state.

SEC. 2. Section 599 of Chapter 1593 of the Statutes of 1971 is amended to read:

Sec. 599. Pursuant to the provisions of Chapter 1084 of the Statutes of 1970, as amended, counties shall have begun to comply with the provisions of Article 5 (commencing with Section 11170) of Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code by April 1, 1973, and shall be in full compliance with such provisions by April 1, 1974. The department shall establish periodic interim calendar dates by which time the counties shall have demonstrated reasonable progress, as determined by reasonable criteria set forth in advance by the department. Such criteria shall recognize differing circumstances among the counties, and shall provide appropriate flexibility for permitting each county to meet its obligations in consideration of its special or unique problems.

The department shall establish funding sanctions to operate in the event of the failure of a county to meet any or all of the interim progress dates subsequent to July 1, 1973. Such sanctions shall reduce the state sharing in nonfederal administrative costs of administering the payment of aid grants pursuant to Section 42.5 of Chapter 578 of the Statutes of 1971; provided, however, that the cumulative total of any such sanctions imposed on a county for failure to meet interim progress requirements prior to April 1, 1974, shall not exceed 10 percent of the state's share of the county's administrative costs which would otherwise be reimbursable by the state.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the counties have sufficient time to undertake the extensive and costly planning to begin implementation of acts necessary to comply with state requirements relating to homemaker services by April 1, 1973, it is necessary that this act go into immediate effect.

CHAPTER 967

An act to amend Sections 9884.8, 9887.2, 9887.3, and 9889.19 of the Business and Professions Code, relating to automotive repair, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9884.8 of the Business and Professions Code is amended to read:

9884.8. All work done by an automotive repair dealer, including

all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, such invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the automotive repair dealer.

SEC. 2. Section 9887.2 of the Business and Professions Code is amended to read:

9887.2. Each application for a new or renewal license shall be accompanied by a fee of ten dollars (\$10) for a new license or five dollars (\$5) for a renewal license. The application shall be made upon a form furnished by the director. It shall contain such information concerning the applicant's background and experience as the director may prescribe, in addition to other information required by law.

SEC. 3. Section 9887.3 of the Business and Professions Code is amended to read:

9887.3. (a) Licenses issued by the director shall not be transferable.

(b) In the event of a change of name of a licensee, not involving a change of ownership, or of a change of address of a licensed station, the license shall be returned to the director for cancellation, and a new license application form shall be submitted. The director shall cancel the returned license and issue a new license for the unexpired term without fee.

(c) If the owner of a licensed station desires to vacate the license in favor of another license permitting a greater or lesser scope of activity, the license to be vacated shall be returned to the director for cancellation and an application shall be submitted for the new license accompanied by the ten-dollar (\$10) new license fee.

(d) In the event of loss, destruction, or mutilation of a license issued by the director, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact and paying a fee of two dollars (\$2). Any person who loses a license issued by the director and who, after obtaining a duplicate, finds the original license shall immediately surrender the original license to the director.

SEC. 4. Section 9889.19 of the Business and Professions Code is amended to read:

9889.19. The director may charge a fee for lamp and brake adjustment certificates and certificates of compliance furnished to licensed stations. The fee charged shall be established by regulation and shall not produce a total estimated revenue which, together with license fees charged pursuant to Sections 9886.3, 9887.2 and 9887.3, is

in excess of the estimated total cost to the bureau of the administration of this chapter.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The changes to the Automotive Repair Act incorporated in this act are necessary for the purpose of better protecting the public and for the more efficient administration of the law. In order to secure maximum implementation thereof, it is necessary that this act become effective at the earliest possible time.

CHAPTER 968

An act to amend Section 3510 of, to amend and repeal Section 3509 of, and to add Section 3509.5 to, the Fish and Game Code, relating to birds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3509 of the Fish and Game Code is amended to read:

3509. If the birds are not killed, captured, or injured, a person may break, train, hold field trials with, or practice dogs on game birds, wild or domesticated, between July 1st and March 31st anywhere in the state between the hours of sunrise and sunset, except the department may permit the use of domesticated game birds for organizational field trials between April 1st and June 30th under such regulations as the commission may prescribe and upon the following conditions:

- (a) That nesting birds shall not be disturbed.
- (b) That any dog under trial shall be under strict control and not allowed to disturb any nesting bird.

This section shall remain in effect only until July 1, 1974, and as of that date is repealed.

SEC. 2. Section 3509.5 is added to the Fish and Game Code, to read:

3509.5. If the birds are not killed, captured, or injured, a person may break, train, hold field trials with, or practice dogs on game birds, wild or domesticated, between July 1st and March 31st anywhere in the state between the hours of sunrise and sunset.

This section shall become operative on July 1, 1974.

SEC. 3. Section 3510 of the Fish and Game Code is amended to read:

3510. Legally acquired domestically reared game birds, coturnix quail and bobwhite quail may be used for and taken during the training of hunting dogs and field trials if the person taking the birds has a valid hunting license and a dog training or organizational field trial permit issued by the department pursuant to regulations of the commission.

Whenever such birds are used for field trials held by organizations operating under the auspices of the American Kennel Club, the American Field Dog Stud Book, or other organization which in the opinion of the commission is a bona fide hunting dog organization, the birds may be taken if the organization conducting the field trial has a permit for such taking issued by the department and if each individual that shoots the birds has a valid hunting license.

The fee for dog training permits is one dollar (\$1) per year for each individual permit and five dollars (\$5) per year for each organizational permit. Applications for such permits shall be made to the department. The organizational permit shall allow each member of the organization, or the persons designated by the organization to do the shooting at a field trial, to take birds under the provisions of this section.

Persons conducting dog training individually at places and times other than official club functions shall have an individual permit.

The department may require that any birds so used be marked to distinguish them from other game birds and the carcass of pheasant or chukar taken shall be tagged with a seal as provided for in Sections 3206 and 3207.

The department may designate in such permit, the time, place, and dates where such training of dogs or field trials may be held.

The release and taking of exotic nonresident game birds subject to Sections 3515 and 3516 may be pursuant to this section if authorized by the commission. Dog training and organizational field trial permits shall be issued on an annual basis commencing on January 1, 1962.

Permits issued under the provisions of this section shall be restricted to dog clubs, trainers, and dog owners. The commission may revoke permits upon determination of any violation of this code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to be applicable during the current season for breaking, training, holding field trials with, or practicing dogs on game birds, it is necessary that such provisions go into immediate effect.

CHAPTER 969

An act to add Section 32103 of, and to repeal Section 32103 of, the Revenue and Taxation Code, relating to alcoholic beverages.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 32103 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 32103 is added to the Revenue and Taxation Code, to read:

32103. Subject to the limitations provided in this article, the board shall fix the total amount of the bond or bonds required of any taxpayer and may increase or reduce the amount at any time. In fixing the total amount, the board may set an amount which is not less than five hundred dollars (\$500) and not more than twice the taxpayer's estimated monthly tax ascertained in such manner as the board may deem proper.

CHAPTER 970

An act to amend Sections 23320, 23321.7, and 23954.7 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

- | | |
|--|------------------|
| (1) Beer manufacturer's license | |
| (a) Steam beer manufacturer | |
| exclusively..... | \$56.00 per year |
| (b) All other beer manufacturer | 828.00 per year |
| (2) Winegrower's license or wine blender's | |
| license (to be computed only on the | |
| gallage produced or blended), 5,000 | |
| gallons or less | 22.00 per year |
| Over 5,000 gallons to 20,000 gallons per | |
| year | 44.00 per year |
| Over 20,000 to 100,000 gallons per year | 82.50 per year |
| Over 100,000 to 200,000 gallons per year | 110.00 per year |

Over 200,000 gallons to 1,000,000 gallons per year	165.00 per year
For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	110.00 per year
(3) Brandy manufacturer's license	168.00 per year
(4) Distilled spirits manufacturer's license ..	276.00 per year
(5) Distilled spirits manufacturer's agent's license	276.00 per year
(6) Still license	12.00 per year
(7) Rectifier's license	276.00 per year
(7a) Distilled spirits rectifier's general license	276.00 per year
(8) Wine rectifier's license	276.00 per year
(9) Beer and wine importer's license.....	No fee
(10) Beer and wine importer's general license	56.00 per year
(11) Brandy importer's license.....	No fee
(12) Distilled spirits importer's license	No fee
(13) Distilled spirits importer's general license	276.00 per year
(14) Public warehouse license	12.00 per year
(15) Customs broker's license.....	12.00 per year
(16) Wine broker's license.....	56.00 per year
(17) Beer and wine wholesaler's license	56.00 per year
(18) Distilled spirits wholesaler's license.....	276.00 per year
(18a) California brandy wholesaler's license ..	276.00 per year
(19) Industrial alcohol dealer's license	56.00 per year
(20) Retail package off-sale beer and wine license	24.00 per year
(21) Retail package off-sale general license ..	350.00 per year
(22) On-sale beer license	168.00 per year
(23) On-sale beer and wine license	168.00 per year
(24) On-sale beer and wine license for trains (per train)	16.00 per year
(25) On-sale beer license for fishing party boats (per boat)	32.00 per year
(26) On-sale beer and wine license for boats (per boat)	56.00 per year
(27) On-sale beer and wine license for airplanes (per scheduled flight)....	16.00 per year
(28) On-sale general license: In cities of 40,000 population or over	580.00 per year
In cities of less than 40,000 but more than 20,000 population	412.00 per year
In all other localities	360.00 per year
(29) On-sale general license for seasonal business: In cities of 40,000 population or over	145.00 per quarter year

	In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
	In all other localities	90.00 per quarter year
(30)	(a) On-sale general license for bona fide clubs,	
	(b) Club license (issued under Article 4 of this chapter), or	
	(c) Veterans' club license (issued under Article 5 (commencing with Section 23450) of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies.....	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes.....	332.00 per year
	Duplicate on-sale general license for air common carriers.....	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year
(35)	On-sale general bona fide public eating place intermittent dockside license for vessels of more than 10,000 tons displacement	360.00 per year

SEC. 1.5. Section 23320 of the Business and Professions Code, as amended by Section 1 of this act, is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

- (1) Beer manufacturer's license
 - (a) Steam beer manufacturer exclusively
 - (b) All other beer manufacturer
- (2) Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), 5,000 gallons or less
- Over 5,000 gallons to 20,000 gallons per year
- Over 20,000 to 100,000 gallons per year
- Over 100,000 to 200,000 gallons per year
- Over 200,000 gallons to 1,000,000 gallons per year

For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	110.00 per year
(3) Brandy manufacturer's license	168.00 per year
(4) Distilled spirits manufacturer's license ..	276.00 per year
(5) Distilled spirits manufacturer's agent's license	276.00 per year
(6) Still license	12.00 per year
(7) Rectifier's license	276.00 per year
(7a) Distilled spirits rectifier's general license	276.00 per year
(8) Wine rectifier's license	276.00 per year
(9) Beer and wine importer's license.....	No fee
(10) Beer and wine importer's general license	56.00 per year
(11) Brandy importer's license.....	No fee
(12) Distilled spirits importer's license	No fee
(13) Distilled spirits importer's general license	276.00 per year
(14) Public warehouse license	12.00 per year
(15) Customs broker's license.....	12.00 per year
(16) Wine broker's license.....	56.00 per year
(17) Beer and wine wholesaler's license	56.00 per year
(18) Distilled spirits wholesaler's license	276.00 per year
(18a) California brandy wholesaler's license ..	276.00 per year
(19) Industrial alcohol dealer's license.....	56.00 per year
(20) Retail package off-sale beer and wine license	24.00 per year
(21) Retail package off-sale general license ..	350.00 per year
(22) On-sale beer license	168.00 per year
(23) On-sale beer and wine license	168.00 per year
(24) On-sale beer and wine license for trains (per train)	16.00 per year
(25) On-sale beer license for fishing party boats (per boat)	32.00 per year
(26) On-sale beer and wine license for boats (per boat)	56.00 per year
(27) On-sale beer and wine license for airplanes (per scheduled flight)....	16.00 per year
(28) On-sale general license:	
In cities of 40,000 population or over	580.00 per year
In cities of less than 40,000 but more than 20,000 population	412.00 per year
In all other localities	360.00 per year
(29) On-sale general license for seasonal business:	
In cities of 40,000 population or over	145.00 per quarter year
In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
In all other localities	90.00 per quarter year

- (30) (a) On-sale general license for bona fide clubs,
- (b) Club license (issued under Article 4 of this chapter), or
- (c) Veterans' club license (issued under Article 5 (commencing with Section 23450) of this chapter):
 - In cities of 40,000 population or over 330.00 per year
 - In cities of less than 40,000 but more than 20,000 248.00 per year
 - In all other localities 220.00 per year
- (31) On-sale general license for trains and sleeping cars 128.00 per year
 - Duplicate on-sale general license for trains and sleeping car companies..... 32.00 per year
- (32) On-sale general license for boats 332.00 per year
- (33) On-sale general license for airplanes..... 332.00 per year
 - Duplicate on-sale general license for air common carriers..... 10.00 per year
- (34) On-sale general license for vessels of more than 1,000 tons burden 128.00 per year
 - Duplicate on-sale general license for vessels of more than 1,000 tons burden 32.00 per year
- (35) On-sale general bona fide public eating place intermittent dockside license for vessels of more than 10,000 tons displacement 360.00 per year
- (36) On-sale special beer and wine license for hospitals, convalescent homes, and rest homes 56.00 per year

SEC. 2. Section 23321.7 of the Business and Professions Code is amended to read:

23321.7. The on-sale general bona fide public eating place intermittent dockside license for vessels of more than 10,000 tons displacement may be issued for any vessel of more than 10,000 tons displacement with cabin berth capacity for at least 75 passengers, respecting which vessel a duplicate license has also been issued under Section 23321.6. Each license issuable under this section shall be used only in the county where issued, but a vessel qualified under this section may be issued such a license in more than one county. Notwithstanding the provisions of Section 23397, the licensee under each such license shall be authorized to sell alcoholic beverages to the general public aboard the vessel respecting which the license is issued when the vessel is securely lashed on berth in the county for which the license is issued, provided that such sales are incidental to the passenger operations of such vessel and such beverages are purchased from persons licensed to sell alcoholic beverages for resale in this state. In no event shall the rights under any such license be

exercised in any county during more than 45 calendar days in any calendar year. Notwithstanding the provisions of Article 2 (commencing with Section 23815) of Chapter 5 of this division, there shall be no limitation, other than provided in this section, on the number of licenses that may be issued under this section to applicants who meet its requirements. Except as otherwise specifically provided in this section, all provisions of this division shall apply to any license issued under this section in the same manner as such provisions apply to an on-sale general license issued for a bona fide public eating place, provided that no caterer's permit may be issued pursuant to Section 23399 with respect to any license issued hereunder, and provided further that any duplicate license issued pursuant to Section 24042 respecting such vessel shall bear the same fee specified by subdivision (35) of Section 23320.

SEC. 3. Section 23954.7 of the Business and Professions Code is amended to read:

23954.7. An applicant for an original on-sale general bona fide public eating place intermittent dockside license for vessels of more than 10,000 tons displacement shall, at the time of filing the application for the license, accompany the application with a fee of two thousand dollars (\$2,000), but such fee shall not be payable upon the renewal or transfer of such license.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 2033 are both chaptered and amend Section 23320 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 2033, that Section 23320 of the Business and Professions Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 2033, and that on the effective date of Assembly Bill No. 2033, Section 23320 of the Business and Professions Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 1.5 of this act to incorporate the changes in Section 23320 proposed by Assembly Bill No. 2033. Therefore, Section 1.5 of this act shall become operative only if Assembly Bill No. 2033 is chaptered before this bill and amends Section 23320, and in such case Section 1.5 of this act shall become operative on the effective date of Assembly Bill No. 2033.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

License privileges extended by this act will result in increased state revenues and help to promote commercial interest in use of the state's ports.

CHAPTER 971

An act to amend Section 21151 of, and to add Sections 21152 and 21153 to, the Public Resources Code, relating to environmental quality.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21151 of the Public Resources Code is amended to read:

21151. (a) The legislative bodies of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any project they intend to carry out, which may have a significant effect on the environment, is in accord with the conservation element of the general plan.

(b) All other local governmental agencies, including, but not limited to, all special districts, shall make an environmental impact report on any project they intend to carry out which may have a significant effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code. Notwithstanding any other provisions of law, "special district," as used in this subdivision, includes, but is not limited to, districts with elected or appointed boards of directors, districts with county boards of supervisors acting ex officio as the district board of directors, county service areas, county improvement districts, and county assessment districts.

SEC. 2. Section 21152 is added to the Public Resources Code, to read:

21152. Any report prepared pursuant to subdivision (b) of Section 21151 shall include a detailed statement setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.
- (g) The growth-inducing impact of the proposed action.
- (h) The boundaries of the area which may be significantly affected by the proposed action.

SEC. 3. Section 21153 is added to the Public Resources Code, to read:

21153. (a) The legislative body of the local governmental agency, which is required to submit an environmental impact

statement under the provisions of subdivision (b) of Section 21151, shall make the determination of the boundaries of the area affected by the project.

(b) The legislative body shall give reasonable notice of the hearing at which such determination is to be made.

CHAPTER 972

An act to add Sections 84.5, 991, and 1809 to the Streets and Highways Code, relating to streets and highways.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 84.5 is added to the Streets and Highways Code, to read:

84.5. During the design hearing process relating to state highway projects that include the construction by the Division of Highways of a new bridge across a navigable river, there shall be included full consideration of, and a report on, the feasibility of providing a means of public access to the navigable river for public recreational purposes.

SEC. 2. Section 991 is added to the Streets and Highways Code, to read:

991. Before any bridge on a county highway is constructed over any navigable river, the board of supervisors, after a study and public hearing on the question, shall determine and shall prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided.

SEC. 3. Section 1809 is added to the Streets and Highways Code, to read:

1809. Before any bridge on a city street is constructed over any navigable river, the legislative body of the city, after a study and public hearing on the question, shall determine and shall prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided.

CHAPTER 973

An act to amend Sections 6203, 6283, 6293, and 6367 of the Revenue and Taxation Code, and to amend Sections 5011, 5014, 5015, 5016, 5017, 9261, 12501, 23128, 24001.5, 27150, 27160, 38010, 38025, 38070, 38115, 38170, 38225, and 38280 of, to add Sections 38021, 38087, 38122, 38231, and 38246 to, and to repeal Sections 4020 and 4452.5 of, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6203 of the Revenue and Taxation Code is amended to read:

6203. Except as provided by Sections 6292 and 6293 every retailer engaged in business in this state and making sales of tangible personal property for storage, use, or other consumption in this state, not exempted under Chapters 3.5 or 4 of this part, shall, at the time of making the sales or, if the storage, use, or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

As respects leases constituting sales of tangible personal property, the tax shall be collected from the lessee at the time amounts are paid by the lessee under the lease.

“Retailer engaged in business in this state” as used in this and the preceding section means and includes any of the following:

(a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property.

(c) As respects a lease, any retailer deriving rentals from a lease of tangible personal property situated in this state.

SEC. 2. Section 6283 of the Revenue and Taxation Code is amended to read:

6283. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of a vehicle subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code or of a vessel or of an aircraft when the retailer is other than a person required to hold a seller’s permit

pursuant to Article 2 (commencing with Section 6066) of Chapter 2 of this part by reason of the number, scope, and character of his sales of such vehicles, vessels or of aircraft, as the case may be. This exemption does not apply to sales of vehicles required to be identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code when the retailer is a person licensed or certificated pursuant to the Vehicle Code as a manufacturer, dealer or dismantler.

SEC. 3. Section 6293 of the Revenue and Taxation Code is amended to read:

6293. (a) Except when the sale is by lease, when a vehicle subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code is sold at retail by other than a person licensed or certificated pursuant to the Vehicle Code as a manufacturer, dealer or dismantler or a person required to hold a seller's permit pursuant to Article 2 (commencing with Section 6066) of Chapter 2 of this part by reason of the number, scope, and character of his sales of such vehicles, the retailer is not required or authorized to collect the use tax from the purchaser, but the purchaser of the vehicle shall pay the use tax to the Department of Motor Vehicles acting for and on behalf of the board pursuant to Section 38211 of the Vehicle Code.

(b) If the purchaser does not make timely application to that department, but is subject to penalty because of delinquency in effecting identification or transfer of ownership of the vehicle, he then becomes liable also for penalty as specified in Section 6591 of this code, but no interest shall accrue.

(c) Application to that department by the purchaser shall relieve the purchaser of the obligation to file a return with the board under Section 6452.

SEC. 4. Section 6367 of the Revenue and Taxation Code is amended to read:

6367. There are exempted from the taxes imposed by this part the gross receipts from occasional sales of tangible personal property and the storage, use, or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale. This exemption does not apply to the gross receipts from the sale of, or to the storage, use, or other consumption in this state of, a vessel or aircraft, as defined in Article 1 (commencing with Section 6271) of Chapter 3.5 of this part, or a vehicle required to be registered under the Vehicle Code or a vehicle required to be identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code. This section shall not preclude the exemption afforded under Section 6281.

SEC. 5. Section 4020 of the Vehicle Code is repealed.

SEC. 6. Section 4452.5 of the Vehicle Code is repealed.

SEC. 7. Section 5011 of the Vehicle Code is amended to read:

5011. Every piece of special construction equipment, special mobile equipment, and cemetery equipment shall display an

identification plate attached thereto.

SEC. 8. Section 5014 of the Vehicle Code is amended to read:

5014. An application by a person other than a manufacturer or dealer for an identification plate for special construction equipment, cemetery equipment, or special mobile equipment shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle. Only one photograph of one piece of equipment shall be required to be attached to the application when identification plates are to be obtained for more than one piece of equipment, each of which is of the same identical type.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

SEC. 9. Section 5015 of the Vehicle Code is amended to read:

5015. The application for an identification plate for special construction, special mobile, and cemetery equipment shall be made before any such piece of equipment is moved over a highway.

SEC. 10. Section 5016 of the Vehicle Code is amended to read:

5016. Upon proper application and payment of the fees specified in Section 9261, the department shall issue an identification plate and an identification card for the piece of equipment or vehicle for which application is made.

SEC. 11. Section 5017 of the Vehicle Code is amended to read:

5017. Each identification plate issued under Section 5016 shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall carry the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

SEC. 12. Section 9261 of the Vehicle Code is amended to read:

9261. A service fee of five dollars (\$5) shall be paid for an identification plate for special construction equipment, cemetery equipment, or mobile equipment. Publicly owned special construction equipment, cemetery equipment, and special mobile equipment are exempt from the service charge.

SEC. 16. Section 12501 of the Vehicle Code is amended to read:

12501. The following persons are not required to obtain a driver's license:

(a) An officer or employee of the United States, while operating a motor vehicle owned or controlled by the United States on the business of the United States.

(b) Any person while driving or operating implements of husbandry incidentally operated or moved over a highway, except as provided in Section 36300.

(c) Any person driving or operating an off-highway motor vehicle subject to identification, as defined in Section 38012, while driving or operating such motor vehicle as provided in Section 38025.

SEC. 17. Section 23128 of the Vehicle Code is amended to read: 23128. It is unlawful for any person to operate a snowmobile in the following manner:

(a) On a highway except as provided in Section 38025.

(b) In a careless or negligent manner so as to endanger a person or property.

(c) For the purpose of pursuing deer or other game mammal with intent to harass such animals.

(d) For the purpose of violating Section 602 of the Penal Code.

SEC. 18. Section 24001.5 of the Vehicle Code is amended to read: 24001.5. A golf cart as defined in Section 345 shall only be subject to the provisions of this division which are applicable to a motorcycle.

SEC. 19. Section 27150 of the Vehicle Code is amended to read:

27150. (a) Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) Every passenger vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, operated off the highways shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Section 27160, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(c) The provisions of subdivision (b) shall not be applicable to passenger vehicles being operated off the highways in an organized racing or competitive event conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

SEC. 20. Section 27160 of the Vehicle Code is amended to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the department:

- (1) Any motorcycle manufactured before 1970 92 dbA
- (2) Any motorcycle, other than a motor-driven cycle, manufactured after 1969, and before 1973 .. 88 dbA

(3) Any motorcycle, other than a motor-driven cycle, manufactured after 1972, and before 1975	86 dbA
(4) Any motorcycle, other than a motor-driven cycle, manufactured after 1974, and before 1978 ..	80 dbA
(5) Any motorcycle, other than a motor-driven cycle, manufactured after 1977, and before 1988 ..	75 dbA
(6) Any motorcycle, other than a motor-driven cycle, manufactured after 1987	70 dbA
(7) Any snowmobile manufactured after 1972	82 dbA
(8) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1967, and before 1973	88 dbA
(9) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1972, and before 1975	86 dbA
(10) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1974, and before 1978	83 dbA
(11) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1977, and before 1988	80 dbA
(12) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured after 1987.....	70 dbA
(13) Any other motor vehicle manufactured after 1967, and before 1973.....	86 dbA
(14) Any other motor vehicle manufactured after 1972, and before 1975.....	84 dbA
(15) Any other motor vehicle manufactured after 1974, and before 1978.....	80 dbA
(16) Any other motor vehicle manufactured after 1977, and before 1988.....	75 dbA
(17) Any other motor vehicle manufactured after 1987.....	70 dbA

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

SEC. 21. Section 38010 of the Vehicle Code is amended to read:

38010. (a) Except as otherwise provided in subdivision (b), every new motor vehicle, sold for the first time on or after July 1, 1972, which is not registered under this code, because it is to be operated or used exclusively off the highways, except as provided in this division, and every other motor vehicle on and after July 1, 1972, which is not registered under this code, because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) The provisions of subdivision (a) shall not apply to any of the following:

(1) Motor vehicles operated solely on the private property of their owner or on the private property of another, with the express consent of the owner or tenant of such property or used solely upon commercially operated facilities for such use.

(2) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Sections 4006, 4010, 4011, 4012, 4013, 4015, 4018, and 4019.

(3) Motor vehicles being operated off the highways in an organized racing or competitive event upon a closed course and which is conducted under the auspices of a recognized sanctioning body, or by permit issued by the local governmental authority having jurisdiction.

(4) Implements of husbandry.

(5) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(6) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(7) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.

(8) A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction shall be presumed to be such a nonresident.

SEC. 22. Section 38021 is added to the Vehicle Code, to read:

38021. (a) A manufacturer, dealer, or distributor, owning or lawfully possessing any off-highway motor vehicle of a type otherwise required to be identified hereunder may operate or use such vehicle without an identification certificate and plate or device upon condition that each such vehicle is accompanied by a special permit issued to the manufacturer, dealer, or distributor as provided in this division.

(b) Persons licensed pursuant to Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 need not obtain such a permit provided the vehicle is operated or used under special plates issued to the licensee.

SEC. 23. Section 38025 of the Vehicle Code is amended to read:

38025. Notwithstanding the provisions of Section 4000, motor vehicles issued a plate or device pursuant to Section 38160 may be operated or driven upon a highway but only as follows:

(a) On a two-lane highway, only to cross such highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing may be made, or only when the roadway is not maintained by snow removal equipment and is closed to motor vehicles which are subject to registration pursuant to Division 3 (commencing with Section 4000), or only to cross a highway in the manner specified in subdivision (b).

(b) With respect to the crossing of a highway having more than two lanes, or a highway having limited access, such motor vehicles may cross such highways but only at a place designated by the Department of Public Works or local authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner.

(c) The Department of Public Works and local authorities with respect to highways under their respective jurisdictions may designate, by the erection of appropriate signs of a type approved by the Department of Public Works, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two lanes or having limited access.

SEC. 24. Section 38070 of the Vehicle Code is amended to read:

38070. (a) The department upon identifying an off-highway motor vehicle subject to identification shall issue a certificate of ownership to the legal owner and an identification certificate to the owner, or both to the owner if there is no legal owner.

(b) Any person owning a snowmobile with an identification plate issued before January 1, 1971, shall not be required to obtain a certificate of ownership until such person is required to renew the identification plate for such snowmobile.

SEC. 25. Section 38087 is added to the Vehicle Code, to read:

38087. (a) Upon payment of the fees specified in Section 38231, the department may issue to manufacturers, dealers, or distributors, a special permit to operate or use for the purpose of delivery, demonstration, or display, off-highway motor vehicles otherwise required to be identified under this division.

(b) Special permits issued pursuant to this section shall expire at midnight on the 30th day of June of the even-numbered year next following the date of issuance of such permit.

SEC. 26. Section 38115 of the Vehicle Code is amended to read:

38115. (a) Every motor vehicle identification and identification certificate issued pursuant to this division shall expire at midnight on the 30th day of June of the even-numbered year next following the date of issuance of such certificate. The department may upon payment of the proper fees renew such identification.

(b) Every identification plate and identification card issued for a snowmobile on or before December 31, 1971, shall expire on June 30, 1973. Application for renewal of identification of such snowmobiles shall be made not later than midnight July 31, 1973.

(c) The expiration of and time for renewal of every identification plate and identification card issued on or after January 1, 1972, and before the effective date of the amendments to this section enacted at the 1972 Regular Session of the Legislature, shall be governed by the provisions of subdivision (a) and Section 38120. The provisions of subdivisions (b) and (c) of Section 38265 shall not apply to payment of renewal fees for snowmobiles until the expiration of the renewal

period indicated on such identification card.

SEC. 27. Section 38122 is added to the Vehicle Code, to read:

38122. When the identification of an off-highway vehicle has expired at midnight on the 30th day of June of any even-numbered year and the vehicle is not thereafter operated or used on public property or private property in such a manner as to subject the vehicle to identification, then any application made subsequent to the 31st day of July following the expiration of the identification may be accompanied by a certificate of nonoperation.

SEC. 28. Section 38170 of the Vehicle Code is amended to read:

38170. (a) Every off-highway motor vehicle subject to identification shall have displayed upon it the identification number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "CAL" and the year number for which it is issued or a suitable device issued by the department for validation purposes, which device shall contain the year for which issued.

(b) The identification plate or device shall at all times be securely fastened to the vehicle for which it is issued and shall be mounted or affixed in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. No covering shall be used on the identification plate or device.

SEC. 29. Section 38225 of the Vehicle Code is amended to read:

38225. (a) A service fee of five dollars (\$5) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), special fee of six dollars (\$6) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device for all off-highway motor vehicles subject to identification except snowmobiles. All fees received by the department pursuant to this subdivision shall be deposited in the Off-Highway Vehicle Fund, which is hereby created. There shall be a separate reporting of these revenues by vehicle type, including four-wheeled vehicles and motorcycles. All money in the Off-Highway Vehicle Fund is continuously appropriated for expenditure by the Department of Parks and Recreation for the purposes specified in Section 38300.

(c) In addition to the service fee specified in subdivision (a), a special fee of six dollars (\$6) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device for a snowmobile. All fees received by the department pursuant to this subdivision shall be deposited in the Snowmobile Trust Fund, which is continued in existence. All money in the fund is continuously appropriated for expenditure by the Department of Parks and Recreation in carrying out a program of planning, development, maintenance, administration, and conservation of trails and areas for the safe use of snowmobiles.

SEC. 30. Section 38231 is added to the Vehicle Code, to read:

38231. The fees for a special permit issued under Section 38087 shall be the prevailing identification fees as set forth in Sections 38225 and 38230 and shall be deposited and distributed as are identification fees under this chapter.

SEC. 31. Section 38246 is added to the Vehicle Code, to read:

38246. (a) A penalty shall be added upon any application for renewal of identification made on or after August 1st following the expiration date except as provided in Section 38122.

(b) Except as otherwise provided in this section, if any fee is not paid within 30 days after such fee becomes delinquent a penalty shall be added thereto.

SEC. 32. Section 38280 of the Vehicle Code is amended to read:

38280. (a) No person shall sell or offer for sale a new off-highway motor vehicle subject to identification which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol:

- (1) Any such vehicle manufactured on or after January 1, 1972, and before January 1, 1973 92 dbA
- (2) Any such vehicle manufactured on or after January 1, 1973, and before January 1, 1975 88 dbA
- (3) Any such vehicle manufactured on or after January 1, 1975 86 dbA

(b) Test procedures for compliance with this section shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

SEC. 33. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In 1971 the Legislature enacted provisions regarding off-highway vehicles used as a source of recreation. Such enactment contained provisions relative to recreational facilities for such vehicles and to the regulation of such vehicles. Snowmobiles, to which this act relates, although provided for in existing provisions of the Vehicle Code, should, for uniformity and administrative purposes, be made subject to the provisions of the 1971 act, which will become operative on July 1, 1972. It would be appropriate to have this act go into effect at the earliest possible time after such date. In order to assure that this act will be operative at the earliest possible time after July 1, 1972, it is necessary that it go into immediate effect.

CHAPTER 974

An act to amend Sections 1001, 1002, 1003, 1006, 2000, 2001, 2002, 2003, 2013, 2014, 2272, and 2353 of, and to amend the heading of Chapter 3 (commencing with Section 2225), Article 3 (commencing with Section 2270) of Chapter 3, Chapter 4 (commencing with Section 2345), and Article 1 (commencing with Section 2345) of Chapter 4 of Division 3 of, the Fish and Game Code, relating to reptiles.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1001 of the Fish and Game Code is amended to read:

1001. Nothing in this code or any other law shall prohibit the department from taking, for scientific or propagation purposes, fish, amphibia, reptiles, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

SEC. 2. Section 1002 of the Fish and Game Code is amended to read:

1002. The department may issue permits, subject to such restrictions and regulations as the commission deems desirable, to take or possess, in any part of the state, for scientific, educational or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia, reptiles, or any other form of plant or animal life.

The fee for such permits is five dollars (\$5) per year, except that a permit without fee may be issued: (a) authorizing only the banding of birds and the exhibition of live or dead wildlife specimens by public zoological gardens, scientific or educational institutions; (b) to students regularly enrolled in commercial fishing classes in a school operating under the jurisdiction of the State Board of Education or in such classes in a community college and to faculty members of such schools or a community college when conducting regularly enrolled classes in commercial fishing. Any permit issued under this subdivision shall apply only when such students are under the direct supervision of the instructor approved by the school or community college to teach such class. All fish taken shall be taken in accordance with state law except that the provisions of Sections 7850 and 7880 to 7890, inclusive, shall not apply to persons or equipment operating under the provisions of this subdivision. All fish taken under authority of a permit issued under this subdivision may be sold only to a person licensed pursuant to Section 8040 or donated to a charitable institution. All funds received from the sale of such fish must be used solely for the support of the commercial fishing classes.

A special student permit may be issued pursuant to this section, on the payment of an annual fee of one dollar (\$1), to any student in a school of collegiate level who is required by an instructor in wildlife

research in such school to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public.

The license year for permits issued pursuant to this section is the calendar year or any part thereof. It is not necessary for the possessor of such a permit to have a sport fishing or hunting license to pursue the scientific collecting of any fish, reptile, aquatic animal or plant, bird, or mammal in this state.

Nothing in this section authorizes any act which violates Section 597 of the Penal Code.

Such a permit does not authorize the taking of fish or mammals from the ocean waters of this state which are within the boundaries of any city if the city has filed with the department an objection to such taking.

SEC. 3. Section 1003 of the Fish and Game Code is amended to read:

1003. Mammals, birds, and the nest and eggs thereof, fish and eggs thereof, reptiles, mollusks, crustaceans, or any other form of plant or animal life taken under the provisions of such a scientific or propagation permit may be shipped or transported anywhere within or without the state if prior written approval is obtained from the department and each such shipment is accompanied by the name, address, and permit number of the person holding the scientific or propagation permit.

SEC. 4. Section 1006 of the Fish and Game Code is amended to read:

1006. The department may inspect the following:

(a) All boats, markets, stores and other buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, reptiles, or amphibia may be stored, placed, or held for sale or storage.

(b) All boxes and packages containing birds, mammals, fish, reptiles, or amphibia which are held for transportation by any common carrier.

SEC. 5. Section 2000 of the Fish and Game Code is amended to read:

2000. It is unlawful to take any bird, mammal, fish, reptile, or amphibian except as provided in this code or regulations made pursuant thereto. Possession of a bird, mammal, fish, or reptile in or on the fields, forests, or waters of this state, or while returning therefrom with fishing or hunting equipment, is prima facie evidence the possessor took the bird, mammal, fish, or reptile.

SEC. 6. Section 2001 of the Fish and Game Code is amended to read:

2001. Unless otherwise provided, it is unlawful to possess birds, mammals, fish, reptiles, or amphibia except during the open season where taken and for 10 days thereafter; and not more than one daily

bag limit thereof may be possessed during the period after the close of the open season.

SEC. 7. Section 2002 of the Fish and Game Code is amended to read:

2002. It is unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of this code, or of any regulation made under it.

SEC. 8. Section 2003 of the Fish and Game Code is amended to read:

2003. It is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibia, excepting trout.

This section does not prohibit any person or nonprofit corporation from giving awards of not to exceed two hundred dollars (\$200) in value for each recipient, and does not apply to any person or nonprofit organization conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

SEC. 9. Section 2013 of the Fish and Game Code is amended to read:

2013. Unless otherwise provided, the provisions of this code relating to the possession of birds, mammals, fish, reptiles, or amphibia apply to birds, mammals, fish, reptiles, or amphibia taken either in or outside of this state.

SEC. 10. Section 2014 of the Fish and Game Code is amended to read:

2014. It is the policy of this state to conserve its natural resources and to prevent the willful or negligent destruction of birds, mammals, fish, reptiles, or amphibia.

The state may recover damages in a civil action against any person who unlawfully or negligently takes or destroys any bird, mammal, fish, reptile, or amphibian protected by the laws of this state.

The measure of damages is the amount which will compensate for all the detriment proximately caused by the destruction of such birds, mammals, fish, reptiles, or amphibia.

An action to recover damages under this section shall be brought in the name of the people of the state, in a court of competent jurisdiction in the county in which the cause of action arose.

This section does not apply to persons engaged in agricultural pest control, to the destruction of fish in irrigation canals or works or irrigation drainages, or to the destruction of birds or mammals killed while damaging crops as provided by law.

SEC. 11. The heading of Chapter 3 (commencing with Section 2225) of Division 3 of the Fish and Game Code is amended to read:

CHAPTER 3. IMPORTATION AND TRANSPORTATION OF OTHER
LIVE BIRDS, MAMMALS, FISH, AND REPTILES

SEC. 12. The heading of Article 3 (commencing with Section 2270) of Chapter 3 of Division 3 of the Fish and Game Code is amended to read:

Article 3. Fish, Reptiles, Amphibia, and
Aquatic Plants Generally

SEC. 13. Section 2272 of the Fish and Game Code is amended to read:

2272. Each package containing fish, reptiles, amphibia, or aquatic plants shall bear in a conspicuous place a tag on which shall be stated the name and residence of the consignor and the consignee, and the exact contents of the package.

SEC. 14. The heading of Chapter 4 (commencing with Section 2345) of Division 3 of the Fish and Game Code is amended to read:

CHAPTER 4. IMPORTATION AND TRANSPORTATION OF DEAD
BIRDS, MAMMALS, FISH, REPTILES, AND AMPHIBIA

SEC. 15. The heading of Article 1 (commencing with Section 2345) of Chapter 4 of Division 3 of the Fish and Game Code is amended to read:

Article 1. Dead Wild Birds, Mammals, Fish,
Reptiles, and Amphibia

SEC. 16. Section 2353 of the Fish and Game Code is amended to read:

2353. No birds, mammals, fish, reptiles, or amphibia may be brought into this state unless legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside of this state and a declaration is made at or immediately prior to the time of entry.

Such declaration shall be in a form prescribed by the department. One copy shall be retained by the person bringing in the birds, mammals, fish, reptiles, or amphibia while they are in his possession, one copy shall be deposited at the point of entry with any state or federal agency designated by the department, and one copy mailed to the department within twenty-four (24) hours after entering the state.

Birds, mammals, fish, reptiles, or amphibia legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside this state may be imported into this state without such a declaration if the shipment is handled by a common carrier under a bill of lading or as supplies carried into this state by common carriers for use as food for the passengers.

The commission shall not modify the provisions of this section by any regulation which would prohibit the importation of lawfully killed migratory game birds taken in any other state or country and transported into this state pursuant to the migratory bird regulations adopted annually by the Secretary of the Interior.

CHAPTER 975

An act to amend Sections 24297, 24361.4, 24362.1, 24365.6, 39298.8, 39460, and 39476 of, to add Sections 24224.1, 24260.1, 24296, 24296.5, 24354.18, 24355.5, 24365.5, 39382.1, 39402.1, 39475, and 39475.5 to, and to repeal Sections 24296, 24365.5, and 39475 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24224.1 is added to the Health and Safety Code, to read:

24224.1. The air pollution control officer shall observe and enforce, within his air pollution control district, the provisions of Chapter 10 (commencing with Section 39295) of Part 1 of Division 26 relating to the emission or control of air contaminants.

SEC. 2. Section 24260.1 is added to the Health and Safety Code, to read:

24260.1. The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of Chapter 10 (commencing with Section 39295) of Part 1 of Division 26, and may perform all other acts necessary or proper to accomplish the purposes of this chapter.

SEC. 3. Section 24296 of the Health and Safety Code is repealed.

SEC. 4. Section 24296 is added to the Health and Safety Code, to read:

24296. Upon making the specific findings set forth in Section 24296.5, the hearing board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the air pollution control board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual persons. However, no variance shall be granted if the operation under the variance will result in a violation of Section 24243.

SEC. 5. Section 24296.5 is added to the Health and Safety Code, to read:

24296.5. No variance shall be granted unless the hearing board makes all of the following findings:

(a) That the petitioner for a variance is in violation of a provision of Article 3 (commencing with Section 24241) of this chapter or of Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or of any rule, regulation, or order of the air pollution control board.

(b) That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

(c) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

SEC. 6. Section 24297 of the Health and Safety Code is amended to read:

24297. In prescribing other and different requirements, in accordance with Section 24296, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 7. Section 24354.18 is added to the Health and Safety Code, to read:

24354.18. The district shall do such acts as may be necessary to carry out the provisions of Chapter 10 (commencing with Section 39295) of Part 1 of Division 26.

SEC. 8. Section 24355.5 is added to the Health and Safety Code, to read:

24355.5. The control officer shall observe and enforce the provisions of Chapter 10 (commencing with Section 39295) of Part 1 of Division 26.

SEC. 9. Section 24361.4 of the Health and Safety Code is amended to read:

24361.4. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter or Chapter 3.5 (commencing with Section 39077) or Chapter 10 (commencing with Section 39295) of Part 1 of Division 26. Nothing in this article permits any action contrary to any such order, rule, or regulation.

SEC. 10. Section 24362.1 of the Health and Safety Code is amended to read:

24362.1. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter and Chapter 3.5 (commencing with Section 39077) and Chapter 10 (commencing with Section 39295) of Part 1 of Division 26.

SEC. 11. Section 24365.5 of the Health and Safety Code is repealed.

SEC. 12. Section 24365.5 is added to the Health and Safety Code,

to read:

24365.5. (a) Upon making the specific findings set forth in subdivision (b), the hearing board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual persons. However, no variance shall be granted if the operation under the variance will result in a violation of Section 24360.

(b) No variance shall be granted unless the hearing board makes all of the following findings:

(1) That the petitioner for a variance is in violation of a provision of Article 10 (commencing with Section 24360) of this chapter or of Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26, or of any rule, regulation, or order of the board.

(2) That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either an arbitrary or unreasonable taking of property or the practical closing and elimination of a lawful business.

(3) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

SEC. 13. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In prescribing other and different requirements, in accordance with subdivision (a) of Section 24365.5, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 14. Section 39298.8 of the Health and Safety Code is amended to read:

39298.8. Within six months after the guidelines for a basin are adopted by the board, each air pollution control district within each basin shall adopt an implementation plan consistent with the guidelines of the board. The districts within each basin may jointly adopt an implementation plan for their combined areas. Each plan shall include emission standards and enforcement procedures based on such guidelines. In adopting such plan, each district shall consider the economic cost and technical feasibility of disposing of agricultural wastes.

The plan shall be adopted by regulation, and any violation of the provisions of the plan is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

SEC. 15. Section 39382.1 is added to the Health and Safety Code, to read:

39382.1. The regional district shall do such acts as may be necessary to carry out the provisions of Chapter 10 (commencing with Section 39295) of Part 1.

SEC. 16. Section 39402.1 is added to the Health and Safety Code, to read:

39402.1. The control officer shall observe and enforce the provisions of Chapter 10 (commencing with Section 39325) of Part 1.

SEC. 17. Section 39460 of the Health and Safety Code is amended to read:

39460. The regional board shall adopt and may, from time to time, amend rules and regulations, including, but not limited to, rules and regulations establishing standards to implement this chapter and Chapter 3.5 (commencing with Section 39077) and Chapter 10 (commencing with Section 39295) of Part 1. Such rules and regulations shall be based on surveys and studies made by the regional district and such other information as may be available to the regional district. The rules and regulations shall be adopted only after the regional board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The regional board shall give notice of its intention to adopt or amend rules and regulations and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in each of the counties within the regional district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the regional district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

SEC. 18. Section 39475 of the Health and Safety Code is repealed.

SEC. 19. Section 39475 is added to the Health and Safety Code, to read:

39475. Upon making the specific findings set forth in Section 39475.5, the hearing board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the regional board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual persons. However, no variance shall be granted if the operation under the variance will result in a violation of Section 39430.

SEC. 20. Section 39475.5 is added to the Health and Safety Code, to read:

39475.5. No variance shall be granted unless the hearing board makes all of the following findings:

(a) That the petitioner for a variance is in violation of a provision of Article 6 (commencing with Section 39430) of this chapter or of Chapter 3.5 (commencing with Section 39077) of Part 1, or of any rule, regulation, or order of the regional board.

(b) That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

(c) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

SEC. 21. Section 39476 of the Health and Safety Code is amended to read:

39476. In prescribing other and different requirements, in accordance with Section 39475, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the regional district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 22. Section 24297 of the Health and Safety Code is amended to read:

24297. In prescribing other and different requirements, in accordance with Section 24296, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 23. Section 24297 of the Health and Safety Code is amended to read:

24297. In prescribing other and different requirements, in accordance with Section 24296, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as

such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 24. Section 24297 of the Health and Safety Code is amended to read:

24297. In prescribing other and different requirements, in accordance with Section 24296, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 25. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In prescribing other and different requirements, in accordance with subdivision (a) of Section 24365.5, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24346 and subdivision (c) of Section 24346.1, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 26. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In prescribing other and different requirements, in accordance with subdivision (a) of Section 24365.5, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful

business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 27. Section 24365.6 of the Health and Safety Code is amended to read:

24365.6. In prescribing other and different requirements, in accordance with subdivision (a) of Section 24365.5, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24346 and subdivision (c) of Section 24346.1, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 28. Section 39476 of the Health and Safety Code is amended to read:

39476. In prescribing other and different requirements, in accordance with Section 39475, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the regional district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

SEC. 29. Section 39476 of the Health and Safety Code is amended to read:

39476. In prescribing other and different requirements, in accordance with Section 39475, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the regional district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 30. Section 39476 of the Health and Safety Code is amended to read:

39476. In prescribing other and different requirements, in accordance with Section 39475, the hearing board, insofar as is consonant with the Legislature's declarations in Section 24198 and subdivision (d) of Section 24199, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the regional district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

The hearing board may require as a condition of granting a variance that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the

party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the air pollution control district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

SEC. 31. It is the intent of the Legislature that if this bill and Assembly Bill No. 1084 or Senate Bill No. 61, or both, are chaptered and amend Section 24297 of the Health and Safety Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 1084 are both chaptered and amend Section 24297 of the Health and Safety Code, but Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1084, the amendments proposed by both bills shall be given effect and incorporated in Section 24297 in the form set forth in Section 22 of this act. Therefore, if Assembly Bill No. 1084 is chaptered before this bill and both bills amend Section 24297, and Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, Section 22 of this act shall be operative and Sections 6, 23, and 24 of this act shall not become operative.

(b) If this bill and Senate Bill No. 61 are both chaptered and amend Section 24297 of the Health and Safety Code, but Assembly Bill No. 1084 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 61, the amendments proposed by both bills shall be given effect and incorporated in Section 24297 in the form set forth in Section 23 of this act. Therefore, if Senate Bill No. 61 is chaptered before this bill and both bills amend Section 24297, and Assembly Bill No. 1084 is not chaptered or as chaptered does not amend that section, Section 23 shall be operative and Sections 6, 22, and 24 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1084 and Senate Bill No. 61 are all chaptered, and all three bills amend Section 24297 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 1084 and Senate Bill No. 61, the amendments proposed by all three bills shall be given effect and incorporated in Section 24297 in the form set forth in Section 24 of this act. Therefore, if Assembly Bill No. 1084 and Senate Bill No. 61 are both chaptered before this bill and all three bills amend Section 24297 of the Health and Safety

Code, Section 24 of this act shall be operative and Sections 6, 22, and 23 of this act shall not become operative.

SEC. 32. It is the intent of the Legislature that if this bill and Assembly Bill No. 1084 or Senate Bill No. 61, or both, are chaptered and amend Section 24365.6 of the Health and Safety Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 1084 are both chaptered and amend Section 24365.6 of the Health and Safety Code, but Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1084, the amendments proposed by both bills shall be given effect and incorporated in Section 24365.6 in the form set forth in Section 25 of this act. Therefore, if Assembly Bill No. 1084 is chaptered before this bill and both bills amend Section 24365.6, and Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, Section 25 of this act shall be operative and Sections 13, 26, and 27 of this act shall not become operative.

(b) If this bill and Senate Bill No. 61 are both chaptered and amend Section 24365.6 of the Health and Safety Code, but Assembly Bill No. 1084 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 61, the amendments proposed by both bills shall be given effect and incorporated in Section 24365.6 in the form set forth in Section 26 of this act. Therefore, if Senate Bill No. 61 is chaptered before this bill and both bills amend Section 24365.6, and Assembly Bill No. 1084 is not chaptered or as chaptered does not amend that section, Section 26 shall be operative and Sections 13, 25, and 27 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1084 and Senate Bill No. 61 are all chaptered, and all three bills amend Section 24365.6 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 1084 and Senate Bill No. 61, the amendments proposed by all three bills shall be given effect and incorporated in Section 24365.6 in the form set forth in Section 27 of this act. Therefore, if Assembly Bill No. 1084 and Senate Bill No. 61 are both chaptered before this bill and all three bills amend Section 24365.6 of the Health and Safety Code, Section 27 of this act shall be operative and Sections 13, 25, and 26 of this act shall not become operative.

SEC. 33. It is the intent of the Legislature that if this bill and Assembly Bill No. 1084 or Senate Bill No. 61, or both, are chaptered and amend Section 39476 of the Health and Safety Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 1084 are both chaptered and amend Section 39476 of the Health and Safety Code, but Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1084, the amendments proposed by both bills shall be given effect and

incorporated in Section 39476 in the form set forth in Section 28 of this act. Therefore, if Assembly Bill No. 1084 is chaptered before this bill and both bills amend Section 39476, and Senate Bill No. 61 is not chaptered or as chaptered does not amend that section, Section 28 of this act shall be operative and Sections 21, 29, and 30 of this act shall not become operative.

(b) If this bill and Senate Bill No. 61 are both chaptered and amend Section 39476 of the Health and Safety Code, but Assembly Bill No. 1084 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 61, the amendments proposed by both bills shall be given effect and incorporated in Section 39476 in the form set forth in Section 29 of this act. Therefore, if Senate Bill No. 61 is chaptered before this bill and both bills amend Section 39476, and Assembly Bill No. 1084 is not chaptered or as chaptered does not amend that section, Section 29 shall be operative and Sections 21, 28, and 30 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 1084 and Senate Bill No. 61 are all chaptered, and all three bills amend Section 39476 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 1084 and Senate Bill No. 61, the amendments proposed by all three bills shall be given effect and incorporated in Section 39476 in the form set forth in Section 30 of this act. Therefore, if Assembly Bill No. 1084 and Senate Bill No. 61 are both chaptered before this bill and all three bills amend Section 39476 of the Health and Safety Code, Section 30 of this act shall be operative and Sections 21, 28, and 29 of this act shall not become operative.

CHAPTER 976

An act to amend Sections 5076, 6518, 6561, and 6905 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 5076 of the Financial Code is amended to read:

5076. "Statutory net worth" means the sum of the following:

- (a) Issued and outstanding guarantee stock.
- (b) Paid-in-surplus.
- (c) Undivided profits.
- (d) Pledged shares of a mutual association with the approval of the commissioner.
- (e) General reserves and other amounts as the commissioner prescribes.

SEC. 2. Section 6518 of the Financial Code is amended to read:
6518. If only a part of the sum evidenced by a withdrawable share is withdrawn, the sum withdrawn is deemed to be that last received by the association unless otherwise provided by resolution of the association's board of directors applicable to any class of the association's withdrawable shares.

SEC. 3. Section 6561 of the Financial Code is amended to read:
6561. If only a part of the sum evidenced by an investment certificate is withdrawn, the sum withdrawn is deemed to be that last received by the association unless otherwise provided by resolution of the association's board of directors applicable to any class of the association's investment certificates.

SEC. 4. Section 6905 of the Financial Code is amended to read:
6905. Each association's stock, surplus, undivided profits and reserves, for the purpose of this article, shall consist of the sum of the following:

- (a) Issued and outstanding guarantee stock.
- (b) Surplus.
- (c) Undivided profits.
- (d) Loan reserve, federal insurance reserve and reserve for bad debts.
- (e) Other reserves as the commissioner prescribes.

CHAPTER 977

An act to amend Section 13590.1 of the Education Code, relating to school classified employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13590.1 of the Education Code is amended to read:

13590.1. The workweek of a classified employee, as defined in Section 13581 or Section 13712, shall be 40 hours. The workday shall be eight hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the district. Nothing in this section shall be deemed to bar the district from establishing a workday of less than eight hours or a workweek of less than 40 hours for all or any of its classified positions.

Notwithstanding the provisions of this section and Section 13590.2, a governing board may, with the approval of the personnel commission, where applicable:

- (a) Exempt specific classes of positions from compensation for

overtime in excess of eight hours in one day, provided that hours worked in excess of 40 in a calendar week shall be compensated on an overtime basis. Such exemption shall be applied only to those classes which the governing board and personnel commission, where applicable, specifically find to be a subject to fluctuations in daily working hours not susceptible to administrative control, such as security patrol and recreation classes, but shall not include food-service and transportation classes.

(b) Establish a 10-hour day, four-day workweek for specific classes of employees on a yearly or seasonal basis, provided that such a work schedule is approved by a majority of the regular employees in the affected classification. Nothing in this section shall be construed to exempt persons employed in a short workweek from receiving holiday, overtime in excess of 40 hours per week, and other benefit entitlement provided for classified employees of the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the alternative work schedules authorized by this act may be implemented by school districts during the 1972-1973 school year, it is necessary that this act take effect at the earliest possible time.

CHAPTER 978

An act to add Section 11823.1 to the Education Code, relating to health examinations and treatment.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11823.1 is added to the Education Code, to read:

11823.1. A physician or dentist, who holds a valid, unrevoked certificate to practice his profession in this state, may with the approval of the governing board of the school district perform health examinations of schoolchildren upon school premises with the consent of a parent or guardian, and report findings and recommendations of health needs to school health officer and parent or guardian.

Such persons conducting health examinations need not be employees of the district and shall be exempt from credential

requirements as specified in Section 11753.

This section is applicable only to a school district with an average daily attendance in excess of 400,000.

CHAPTER 979

An act to add Section 13557.5 to the Education Code, relating to school officers and employees.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13557.5 is added to the Education Code, to read:

13557.5. Notwithstanding any other provision of this code, no school district, city or county board of education, county superintendent of schools, or any officer or employee of such district or board shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless such district, board, or person has undertaken to provide transportation for such pupil to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances.

In the event of such a specific undertaking, the district, board, or person shall be liable or responsible for the conduct or safety of any pupil only while such pupil is or should be under the immediate and direct supervision of an employee of such district or board.

CHAPTER 980

An act to amend Section 190 of, and to add Section 190.5 to, the Streets and Highways Code, relating to grade separation projects.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972-1973 fiscal year, the sum of ten million dollars (\$10,000,000) shall

be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separations of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it. Notwithstanding any other provision of law, when the local agency uses funds derived from the TOPICS Program, pursuant to Chapter 6 (commencing with Section 2300) of Division 3 of the Streets and Highways Code in financing its share of the project cost, the allocation to be made

pursuant to this section shall be computed as though such local agency contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law.

The department and the commission may make allocations from a succeeding fiscal year's sum set aside for purposes of this section on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The first five million dollars (\$5,000,000) of the fund set aside by this section each fiscal year shall be available for allocation and expenditure without regard to fiscal year.

The department and the commission shall revert as of October 1st of each fiscal year any unallocated amount of the balance of the annual sum of ten million dollars (\$10,000,000) set aside by this section for that fiscal year. Any other funds that may be set aside for the purposes of this section shall be allocated prior to the allocation of the above ten million dollars (\$10,000,000) and shall be available for allocation and expenditure without regard to fiscal years.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for

projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 2. Section 190.5 is added to the Streets and Highways Code, to read:

190.5. Clark Street Extension, which is part of the adopted freeway route for Route 68 in the County of Monterey, is hereby declared to be a county road within the meaning of Sections 189 and 190, and is eligible for allocation of funds for grade separation pursuant to Section 190.

Although Clark Street Extension is located on the adopted freeway route for Route 68, the City of Salinas and the County of Monterey will finance in part the construction of a grade separation at the Clark Street Extension over the Southern Pacific Transportation Company's railroad tracks. In order that Clark Street Extension be constructed with a grade separation, it is necessary that Clark Street Extension be eligible for a grade separation allocation as soon as possible.

SEC. 3. Section 190 of the Streets and High Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, commencing with the 1972-1973 fiscal year, the sum of ten million dollars (\$10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separations of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive.

An allocation shall be made of two-thirds of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks.

An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have

been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time.

To the extent funds are available, where the local agency has signed a construction contract for a project for which an allocation has been made, the department shall transfer the allocation to the local agency within 15 days of receiving written notification of such signing.

Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project.

In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section.

In financing its share of the project cost, the local agency may use any funds available to it. Notwithstanding any other provision of law, when the local agency uses funds derived from the TOPICS Program, pursuant to Chapter 6 (commencing with Section 2300) of Division 3 in financing its share of the project cost, the allocation to be made pursuant to this section shall be computed as though such local agency contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law.

The department and the commission may make allocations from a succeeding fiscal year's sum set aside for purposes of this section on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The first five million dollars (\$5,000,000) of the fund set aside by this section each fiscal year shall be available for allocation and expenditure without regard to fiscal year.

The department and the commission shall revert as of October 1st of each fiscal year any unallocated amount of the balance of the annual sum of ten million dollars (\$10,000,000) set aside by this section for that fiscal year. Any other funds that may be set aside for

the purposes of this section shall be allocated prior to the allocation of the above ten million dollars (\$10,000,000) and shall be available for allocation and expenditure without regard to fiscal years.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 544 are both chaptered and amend Section 190 of the Streets and Highways Code, and this bill is chaptered after Senate Bill No. 544, that the amendments to Section 190 proposed by both bills be given effect and incorporated in Section 190 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 544 are both chaptered, both amend Section 190, and Senate Bill No. 544 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 981

An act appropriating money to the State Lands Commission in augmentation of the Budget Act of 1972, relating to tide and submerged lands, to take effect immediately, usual current expenses.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred sixty-six thousand dollars (\$166,000) is hereby appropriated from the General Fund to the State Lands Division, State Lands Commission, Department of Conservation, in augmentation of Item 194 of the Budget Act of 1972 for preparation of material relating to lawsuits in South San Francisco Bay, in accordance with the following schedule:

- | | |
|--|-----------|
| (a) Personal services | \$136,000 |
| (b) Operating expenses and equipment | \$30,000 |

SEC. 2. The State Lands Commission may contract with any agency, public or private, as may be necessary for the rendition and affording of services and facilities to the commission pursuant to this act and for all other purposes related thereto.

SEC. 3. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

 CHAPTER 982

An act to amend Sections 18633, 18711, 18801, and 18802 of, and to add Section 18806 to, the Business and Professions Code, relating to professional boxing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18633 of the Business and Professions Code is amended to read:

18633. All moneys deposited in the General Fund pursuant to Section 18632 which has been received by the commission pursuant to Sections 18800, 18801 and 18806 is hereby continuously appropriated as follows:

- (a) Moneys in the Boxer's Trust Fund Account, for purposes of the

trust fund created pursuant to Section 18800.

(b) Moneys in the Boxer's Pension Account, for purposes of the pension plan established under Section 18801.

(c) Moneys in the Disability Insurance Program Account, for purposes of the disability insurance program established under Section 18802.

SEC. 2. Section 18711 of the Business and Professions Code is amended to read:

18711. (a) Except as provided in Section 18713 and subdivision (b) of this section, every club licensed under this chapter shall, within 72 hours after the determination of every contest, match, or exhibition for which an admission fee is charged and received, furnish to the commission a written report duly verified by one of its officers, showing the number of tickets issued or sold for such contest, match, or exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of such contest, match, or exhibition, and without any deductions whatsoever for commissions, brokerage, distribution fees, advertising, or any other expenses, charges, and recoupments in respect thereto and such other matters as the commission may prescribe. Such club shall also, within the same time, pay to the commission a tax, exclusive of any federal taxes paid thereon, of one cent (\$.01) for each twenty cents (\$.20), or fraction thereof, of the amount paid for admission to such contest, match, or exhibition, and of the gross price as described above for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall such tax be less than twenty-five dollars (\$25). Said tax shall apply uniformly at the same rate to all clubs subject to the tax. The tax on admissions applies to the amount actually paid for admission, and not to the regular established price. No tax is due in the case of a person admitted free of charge.

(b) In the case of a professional boxing contest, there shall be deducted from the amount required to be reported showing the gross price charged directly or indirectly and no matter by whom received for the sale, lease, or other exploitation of television rights of the professional boxing contest, and upon which the tax required by subdivision (a) is applied, the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of television rights for viewing outside of this state, including viewing out of state by live telecasts, closed circuit telecasts, and delayed tape telecasts. This subdivision shall be operative for a period of one year immediately following the date on which it takes effect, and shall thereafter have no force or effect.

SEC. 3. Section 18801 of the Business and Professions Code is amended to read:

18801. (a) The commission shall, consistent with the purposes of this article, establish a pension plan for professional boxers who engage in boxing contests in this state.

(b) The commission shall, consistent with the purposes of this article, establish a schedule of contributions to finance such pension plan to be paid by professional boxers, managers, and promoters on an equitable basis, as determined by the commission, in an amount sufficient to finance such pension plan. In establishing such schedule, the commission shall consider, but not be limited in its consideration to, the relative profits derived from a boxing contest by the professional boxer, his manager, and the promoter.

(c) Any pension plan established by the commission shall be actuarially sound.

(d) All contributions from boxers, managers, and promoters to finance the plan shall be deposited in and credited to the Boxer's Pension Account, which is hereby created in the General Fund. The money in the Boxer's Pension Account shall be used exclusively for purposes of the pension plan.

SEC. 4. Section 18802 of the Business and Professions Code is amended to read:

18802. The commission shall, consistent with the purposes of this article, promulgate rules and regulations requiring a disability insurance program for each professional boxer, which insurance shall provide minimum financial benefits as determined by the commission during periods of disability caused in a professional boxing contest held in this state. The cost of the disability insurance program shall be equitably allocated by the commission among boxers, managers, and promoters. In making such allocation, the commission shall consider, but not be limited in its consideration to, the relative profits derived from a boxing contest by the professional boxer, his manager, and the promoter.

SEC. 5. Section 18806 is added to the Business and Professions Code, to read:

18806. (a) A promoter may, but is not required to, add to the price of each ticket sold for a professional boxing contest an amount specifically designated by him on the ticket for contribution as a donation, either or both, to the pension plan established pursuant to Section 18801, or to the disability insurance program established pursuant to Section 18802. Such additional amount shall not be subject to the admissions tax required by Section 18711. Nothing in this subdivision shall authorize the addition of such amounts to less than all the tickets sold for the professional boxing contest involved.

(b) At the time of payment of the admissions tax required by Section 18711, a promoter shall pay to the commission any amounts collected pursuant to subdivision (a) of this section.

(c) Where not otherwise specifically designated by the promoter, amounts collected pursuant to this section shall be allocated equally for support of the pension program and the disability insurance program.

(d) (1) Money received pursuant to this section for support of the pension program shall be deposited in the Boxer's Pension Account.

(2) Money received pursuant to this section for support of the

disability insurance program shall be deposited in the Disability Insurance Program Account which is hereby created in the General Fund.

(e) Any amounts received pursuant to this section may be considered by the commission to reduce all of the allocations required by Sections 18801 and 18802; but, no such amounts donated shall be considered to offset the donor's allocation or any other particular person's allocation otherwise required of him pursuant to Sections 18801 and 18802.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Boxers participating in contests in this state should be protected as soon as possible by the pension program and by the disability insurance program affected by this act. This act will effectuate such protection. Further, in order to avoid any possibility of double taxation and to enable the Legislature to study and resolve the question of taxation of professional boxing contests, this act should have immediate effect.

CHAPTER 983

An act to amend Sections 10500, 10503, 10504, 10521, and 10528 of, and to repeal Section 10520 of, the Government Code, relating to the Joint Legislative Audit Committee.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10500 of the Government Code is amended to read:

10500. The Legislature finds that auditing is now conducted by various state agencies and recognizes the needs of the executive branch of the state government for periodic and special audits of the revenues and expenditures of any state agency, and the accounting and fiscal reporting systems established in state agencies, as a means of insuring the proper and lawful expenditure of state funds. The Legislature, also, recognizes the necessity of an independent audit, in addition to the audit conducted within the executive branch of state government, for the use of both the executive and legislative branches of the state government in establishing a sound fiscal and administrative policy for the government of the state.

Therefore, it is the desire of this Legislature that the internal auditing be coordinated in the executive branch of the government in the interest of economy and efficiency. It is also the desire of the

Legislature to create the office of the Auditor General, whose primary duties shall be to examine and report annually upon the financial statements prepared by the executive branch of the state and to perform such other related assignments, including performance audits, as may be requested by the Legislature. The authority of the office under the direction of the Joint Legislative Audit Committee is confined to examining and reporting and is in no way to interfere with adequate internal audit to be conducted by the executive branch of the government.

SEC. 1.5. Section 10503 of the Government Code is amended to read:

10503. The committee is authorized to make rules governing its own proceedings and to create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly shall from time to time prescribe, and all the powers conferred upon committees by Section 11, Article IV, of the Constitution.

Notwithstanding any other provision of law to the contrary, the committee shall establish priorities and assign all work to be done by the Auditor General.

SEC. 2. Section 10504 of the Government Code, as amended by Chapter 438 of the Statutes of 1971, is amended to read:

10504. The committee shall have authority to appoint an Auditor General, deputies and staff, who shall serve at the pleasure of the committee. The committee shall fix the salary of the Auditor General. The funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and Senate in the same manner that such funds are made available to other joint committees of the Legislature.

SEC. 3. Section 10520 of the Government Code is repealed.

SEC. 4. Section 10521 of the Government Code is amended to read:

10521. The Auditor General, prior to his appointment, shall possess the following minimum qualifications:

(a) He shall be in possession of a valid certificate issued by the State Board of Accountancy to practice as a certified public accountant or a public accountant, and

(b) The combination of education and experience which in the opinion of the committee is necessary.

SEC. 5. Section 10528 of the Government Code is amended to read:

10528. The Auditor General, with the approval of the Joint Legislative Audit Committee, shall examine and report annually upon the financial statements prepared by the executive branch of the state to the end that the Legislature will be informed as to the

adequacy of such financial statements in compliance with generally accepted accounting principles applied on a basis consistent with that of the preceding fiscal year. In making such examination, he is authorized to make such audit examination of accounts and records, accounting procedures and internal auditing performance as the Joint Legislative Audit Committee may determine and specifically designate to be necessary to disclose all material facts necessary to proper reporting to the Legislature in accordance with the statement of purposes set forth in Section 10500. He shall make such special audits and investigations, including performance audits, of any state agency whether created by the Constitution or otherwise, as requested by the Legislature or any committee of the Legislature.

CHAPTER 984

An act to repeal Section 3 of Chapter 558 of the Statutes of 1970, relating to deer, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 558 of the Statutes of 1970 is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to prevent any gap in the law which may result from the normal effective date of the bills enacted at the 1972 Regular Session of the Legislature being after December 30, 1972, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 985

An act to amend Sections 8496 and 8843 of, and to add and repeal Section 8836.7 of, the Fish and Game Code, relating to fishing.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8496 of the Fish and Game Code is amended to read:

8496. Within the California halibut trawl grounds the following requirements shall apply to the use of trawl nets:

(a) Open season shall be June 16 through March 14.

(b) No California halibut which weighs less than four pounds each in the round may be possessed aboard trawl vessels.

(c) Not more than 500 pounds of fish other than California halibut may be possessed.

(d) It is unlawful to operate a trawl net in such a way as to damage or destroy other types of fishing gear which is buoyed or otherwise visibly marked.

(e) Sections 8392, 8833, and 8836 do not apply to trawl nets when used or possessed on such California halibut trawl grounds.

SEC. 2. Section 8836.7 is added to the Fish and Game Code, to read:

8836.7. Notwithstanding the provisions of Sections 8833 and 8836, trawl nets with meshes which are not less than $4\frac{1}{2}$ inches in length may be used in those portions of Districts 18, 19, and 118.5 between a line running due west from Point Arguello and a line running due south from Point Mugu in waters of 25 fathoms deep or greater, however in no case in waters less than one nautical mile from the nearest point of land on the mainland shore.

This section shall remain in effect only until the 61st day after the final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed.

SEC. 3. Section 8843 of the Fish and Game Code is amended to read:

8843. It is unlawful to use any trawl net with cod-end mesh less than $7\frac{1}{2}$ inches in length in waters less than 25 fathoms deep, adjacent to the mainland shore between a line running due west (270° true) from Point Arguello and a line running due south (180° true) from Point Mugu except that smaller mesh sizes may be authorized pursuant to the provisions of Section 8606.

This section shall remain in effect only until the 61st day after the final adjournment of the 1975 Regular Session of the Legislature, and as of that date is repealed.

CHAPTER 986

An act to repeal and add and repeal Section 8045.6 of the Fish and Game Code, relating to abalone, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 8045.6 of the Fish and Game Code is repealed.

SEC. 2. Section 8045.6 is added to the Fish and Game Code, to read:

8045.6. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay a privilege tax of one-half cent (\$.005) for each pound, or fraction thereof, of abalone purchased, received, or taken by him. The privilege tax provided by this section is in lieu of the privilege tax provided by Section 8045.5 and a person liable for the privilege tax under this section is not also liable for the privilege tax imposed by Section 8045.5 on the same abalone.

This section shall remain in effect only until July 1, 1976, and as of that date is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide for an equitable share of the privilege taxes to support the Department of Fish and Game during the current fiscal year, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 987

An act to add Chapter 4.8 (commencing with Section 31295) to Division 22 of the Education Code, relating to the occupational education and training grant program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.8 (commencing with Section 31295) is added to Division 22 of the Education Code, to read:

CHAPTER 4.8. OCCUPATIONAL EDUCATION AND TRAINING GRANT PROGRAM

31295. The Legislature hereby finds that there are students who have the aptitude and desire to train for specific occupations, vocations or technical careers, but do not have financial resources to enter public or private training programs and that a greater supply of competent, technically trained, skilled manpower in critical occupations is a public purpose of great importance; and, further, that the establishment of a pilot program pursuant to this chapter is a desirable, necessary, and economical method of aiding such students and strengthening the economic base of the state.

31295.1. There is hereby created a state competitive occupational education and training grant program, with grants to be provided by the state and administered by the State Scholarship and Loan Commission.

Occupational education and training grants shall be awarded without regard to race, creed, national origin or ancestry, or sex.

31295.2. As used in this chapter, "commission" means the State Scholarship and Loan Commission.

31295.3. To be eligible for an occupational education and training grant under this chapter, an applicant shall meet all of the following requirements:

(a) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(b) Be a citizen of the United States or have been admitted to permanent residence.

(c) Have not attained his 30th birthday. This age limitation does not apply in the case of renewed grants. Although grants may be given within this limitation, it is the intent of the Legislature that the major effort of the program be directed to applicants who have recently completed high school.

(d) Demonstrate occupational achievement or aptitude and financial need. In determining occupational achievement or aptitude, the commission may use acceptable testing procedures to the extent these are available. In determining financial need of an applicant, the commission shall expect each student to make a self-help contribution toward occupational or technical training costs and the financial status of his parents shall be taken into consideration.

(e) Use his grant for occupational or technical training in California in institutions either accredited by the Western Association of Schools and Colleges or by a national accrediting association recognized by the U.S. Office of Education. As used in this section, "occupational or technical training" shall mean that phase of education coming after the completion of a secondary school

program and leading toward recognized occupational goals approved by the commission.

(f) Have applied for a state occupational education and training grant and have met the criteria established by the commission for eligibility for such grant.

(g) Have complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state occupational education and training grants adopted pursuant to this chapter.

31295.4. The occupational education and training grant program shall be a pilot demonstration program. The commission shall adopt rules and regulations necessary or appropriate to effectuate the provisions of this chapter.

The commission may use criteria it deems appropriate in selecting students with occupational talents to receive occupational education grants.

The commission shall seek the aid and advice of a committee of nine members appointed by the commission and composed of individuals who shall be representatives of both proprietary and public institutions and who shall be knowledgeable in the area of occupational and technical education and training. At least a majority of the members of the committee shall be actively working or otherwise involved in the area of occupational and technical education and training.

31295.5. There shall be available 500 new grants in each of the fiscal years of 1973-74, 1974-75, 1975-76 and 1976-77 and the recipients of such grants shall be eligible for renewal of their grants until they have completed their occupational or technical training in conformance with terms prescribed by the commission. In no case shall such grants exceed two calendar years, nor be awarded for a course of training of less than six weeks duration.

A grant shall be deemed vacated if the recipient does not begin the course of training within six months after the grant is awarded.

31295.6. Grants awarded under this chapter shall be for institutional fees, charges, and other costs in the nature of tuition, not to exceed two thousand dollars (\$2,000) for the calendar year, plus up to five hundred dollars (\$500) for training-related costs, such as special clothing, local transportation, required tools, equipment, supplies and books, according to the student's financial need. In determining the amount of grants and training-related costs, the commission shall take into account other state and federal programs available to the applicant.

31295.7. Grants shall be awarded in areas of manpower need as determined by the commission after consultation with appropriate state and federal agencies.

31295.8. Prior to awarding grants under this chapter, the commission shall adopt procedures for evaluation of the occupational education and training grant program. In determining these procedures, the commission shall consider the advisability of limiting

either the number of occupational programs or the number of geographic areas or both to facilitate evaluation.

31295.9. Nothing in this chapter shall be interpreted to require any institution to admit an award winner into such institution, or to continue him once he is admitted.

31296. The commission shall submit to the Legislature on the fifth legislative day of the 1974 Regular Session, and on the fifth legislative day of each regular session thereafter until the program under this chapter is completed, an evaluation of the operation of the occupational education and training grant program.

31296.2. Notwithstanding any other provision of law, the occupational education and training grant program and all powers, duties, and responsibilities of the commission in relation to it shall terminate on January 1, 1978, provided, however, that the commission shall continue to administer the program until the normal expiration of grants awarded hereunder.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of fifty thousand dollars (\$50,000) to the Scholarship and Loan Commission for purposes of administering the occupational education and training grant program prescribed in Chapter 4.8 (commencing with Section 31295) of Division 22 of the Education Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act establishes an occupational education and training grant pilot program with grants to be available in the 1973-74 fiscal year and for the three fiscal years thereafter. A substantial period of time is required prior to the 1973-74 fiscal year for administrative preparation for the making of such grants for that fiscal year. The great uncertainty with respect to when ordinary statutes enacted at the 1972 Regular Session of the Legislature will become effective raises the strong possibility that this vital program could be severely jeopardized by insufficient preparation time if it were embodied in an ordinary statute. Thus, in order to ensure that sufficient time may be available for the preparation necessary for the proper implementation of the grant program established by this act, it is necessary that this act take effect immediately.

CHAPTER 988

An act to amend Sections 2355 and 2356 of the Civil Code, and to amend Sections 1751 and 1754 of, to add Sections 1751.5, 1754.5, and 1755.5 to, and to add Chapter 2.5 (commencing with Section 1776) to Division 5 of, the Probate Code, relating to present and former

United States government personnel, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 2355 of the Civil Code is amended to read:
2355. An agency is terminated, as to every person having notice thereof, by:

1. The expiration of its term;
2. The extinction of its subject;
3. The death of the agent;
4. His renunciation of the agency;
5. The incapacity of the agency to act as such; or

6. The divorce, dissolution, annulment, or adjudication of the nullity of marriage of, or the judicial or legal separation of, principal and attorney in fact, or commencement by the attorney in fact of an action for such relief, in the case of a power of attorney, if the attorney in fact was the spouse of the principal, and the principal has become an absentee as defined in Section 1751.5 of the Probate Code, unless the power of attorney expressly provides otherwise in writing.

SEC. 2. Section 2356 of the Civil Code is amended to read:

2356. (a) Unless the power of an agent is coupled with an interest in the subject of the agency, it is terminated by: (1) its revocation by the principal; (2) his death; or, (3) his incapacity to contract.

(b) However, any bona fide transaction entered into with such agent by any person acting without actual knowledge of such revocation, death, or incapacity shall be binding upon the principal, his heirs, devisees, legatees, and other successors in interest.

Under this subdivision, in the case of an agent of a principal who is an absentee as defined in Section 1751.5 of the Probate Code, while the absentee continues in his missing status, and until receipt by the parties of notice from the secretary of the department or head of the agency concerned, or his delegate, of the termination of such missing status by the making of a finding of the death of the absentee, the parties shall be deemed to be without actual knowledge of any such revocation, death, or incapacity of the principal.

(c) Nothing in this section shall affect the provisions of Section 1216.

SEC. 3. Section 1751 of the Probate Code is amended to read:

1751. Upon petition as provided in this chapter, the superior court, if satisfied by sufficient evidence of the need therefor, shall appoint a conservator of the person and property or person or property of any adult person who by reason of advanced age, illness, injury, mental weakness, intemperance, addiction to drugs or other disability, or other cause is unable properly to care for himself or for his property, or who for said causes or for any other cause is likely

to be deceived or imposed upon by artful or designing persons, or for whom a guardian could be appointed under Division 4 of this code, or who voluntarily requests the same and to the satisfaction of the court establishes good cause therefor, or who is an absentee as defined in Section 1751.5. The court, in its discretion, may appoint one or more conservators.

SEC. 4. Section 1751.5 is added to the Probate Code, to read:

1751.5. For the purposes of this chapter:

(a) "Absentee" means either of the following:

(1) A member of a uniform service covered by United States Code, Title 37, Chapter 10, who is determined thereunder by the secretary concerned or his delegate to be in missing status, as missing status is defined therein.

(2) An employee of the United States government or an agency thereof covered by United State Code, Title 5, Chapter 55, Subchapter VII, who is determined thereunder by the head of the department or agency concerned or his delegate to be in missing status as missing status is defined therein.

(b) "Secretary concerned" has the same meaning as defined in United States Code, Title 37, Section 101.

SEC. 5. Section 1754 of the Probate Code is amended to read:

1754. Any person or any relative or friend of any person, other than a creditor of the proposed conservatee, may file a verified petition alleging that the appointment of a conservator is required. The petition shall set forth, so far as they are known to the petitioner, the names and residences of the spouse, if any, and of the relatives of the proposed conservatee within the second degree. Upon the filing of the petition, the clerk shall set the petition for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing on the petition shall be mailed by the petitioner to the spouse, if any, and to each of such relatives, and if the proposed conservatee is an "absentee" as defined in Section 1751.5, to the secretary concerned or to the head of the United States department or agency concerned, as the case may be, at least 15 days before such hearing date.

If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of the hearing. The citation, and a copy of the petition, shall be served upon the proposed conservatee in the same manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court, at least 10 days before the time of the hearing. No such citation shall, however, be required if the proposed conservatee is an "absentee" as defined in Section 1751.5.

The proposed conservatee, if he is the petitioner, or if he is in the state at date of service and, if able to attend, shall be produced at the hearing, and, if not able to attend by reason of physical or other inability, such inability shall be established by the affidavit or certificate of a duly licensed medical practitioner, or if he is an

“absentee” as defined in Section 1751.5, by a certificate complying with Section 1283 of the Evidence Code, showing the determination of the secretary of the military department or the head of the department or agency concerned or his delegate, as the case may be, that the “absentee” is in missing status.

Whenever a notice to any officer or agency of this state or of the United States would be required upon a petition for the appointment of a guardian of an alleged incompetent person a like notice shall be given of a petition under this chapter. Any officer or agency of this state or of the United States, or the authorized delegate thereof, or any relative or friend of the proposed conservatee, or the proposed conservatee himself, may appear and oppose the petition.

SEC. 6. Section 1754.5 is added to the Probate Code, to read:

1754.5. If the proposed conservatee is an “absentee” as defined in Section 1751.5, the notice to the United States or its department, agency, or officer, required in Section 1754 or required in any other law, shall include the last known military rank or grade and the social security account number of the proposed conservatee, shall be accompanied by a complete copy of the petition and shall be delivered only by a method which would be sufficient for service of a summons in a civil action. The court shall not appoint the spouse of the absentee as conservator of the absentee unless the spouse alleges in the verified petition for the appointment of the conservator, and the court finds, that the spouse has not commenced any action or proceeding for judicial or legal separation, divorce, annulment, or adjudication of nullity, or dissolution of their marriage. An official written report or record complying with Section 1283 of the Evidence Code that a proposed conservatee is an absentee as defined in Section 1751.5 shall be received as evidence of such fact and the court shall not determine the status of the proposed conservatee inconsistent with the status determined as shown by such written report or record.

SEC. 7. Section 1755.5 is added to the Probate Code, to read:

1755.5. In the case of the conservatorship of an “absentee” as defined in Section 1751.5, the petition to terminate the conservatorship may also be filed by any party who is eligible under Section 1754 to oppose or be made a party to the petition for conservatorship. If the petition alleges and the court finds that the “absentee” has returned to the controllable jurisdiction of the military department or civilian department or agency concerned, or is deceased, as determined under 37 United States Code, Section 556 or 5 United States Code, Section 5566, as the case may be, the court shall order the conservatorship terminated. An official written report or record of such military department or civilian department or agency that the “absentee” has returned to such controllable jurisdiction or is deceased shall be received as evidence of such fact.

Termination does not preclude institution of new proceedings for appointment of a conservator for the person, estate, or person and estate of such former “absentee” for any other appropriate cause

specified in Section 1751.

SEC. 8. Chapter 2.5 (commencing with Section 1776) is added to Division 5 of the Probate Code, to read:

CHAPTER 2.5. PERSONAL PROPERTY OF ABSENTEES

1776. As used in this chapter:

(a) "Absentee" and "secretary concerned" shall have the same meaning as defined in Section 1751.5.

(b) "Eligible spouse" shall mean the spouse of an absentee, which spouse has not commenced any action or proceeding for judicial or legal separation, divorce, annulment, adjudication of nullity, or dissolution of the marriage of such spouse and the absentee.

(c) "Family of an absentee" shall mean an eligible spouse, if any, or if no eligible spouse, the child or children of an absentee, equally, or if no child or children, the parent or parents of an absentee, equally, and the conservator or guardian of the estate of any person bearing such relationship to the absentee.

1777. If the court finds that it will be in the best interest of an absentee, the court may set aside to the family of an absentee personal property of the absentee situated in California in which the absentee's interest therein does not exceed five thousand dollars (\$5,000), for the purpose of managing, controlling, encumbering, selling, or conveying, or otherwise engaging in any transaction with respect to such property.

1778. A verified petition showing that this chapter is applicable together with a prayer that not exceeding five thousand dollars (\$5,000) of the personal property of the absentee be set aside as provided in this chapter may be filed by any person in whose favor the estate of the absentee may be set aside or by any person to whom the absentee has issued a general power of attorney while serving in the armed forces of the United States or while an employee of any agency or department of the United States, which power of attorney was valid and effective at the time issued, whether or not the same has expired or terminated. Such verified petition shall include in its caption the last known military rank or grade and the social security account number of the absentee and shall contain a specific description and estimate of the value of all of the absentee's property, wherever situated (including all sums due the absentee from the United States), a designation of the property to be set aside, and facts establishing that setting aside such property is necessary and in the best interest of the absentee. If such property is to be set aside for the benefit of the spouse of the absentee, the verified petition shall allege, and the court shall find, that the spouse is an eligible spouse as defined in Section 1776. The petition shall set forth, so far as known to the petitioner, the names and residences of all persons comprising the family of the absentee, as defined in Section 1776, and shall contain an allegation whether a guardian or conservator of the estate of any member of the family of the absentee

has been appointed. There shall be attached to the petition a certificate complying with Section 1283 of the Evidence Code, showing the determination of the secretary of the military department or the head of the department or agency concerned or his delegate, as the case may be, that the absentee is in missing status. Such certificate shall be received as evidence of such fact and the court shall not determine the status of the absentee inconsistent with the status shown in such certificate.

1779. Upon filing of the petition, the court shall set the petition for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing thereon, together with a copy thereof, shall be mailed by the petitioner to all persons comprising the family of the absentee, as defined in Section 1776, and shall be delivered by the same method specified in Section 1754.5 to the secretary concerned or to the head of the United States department or agency concerned, as the case may be, at least 15 days before such hearing date. Whenever a notice to any officer or agency of this state or of the United States would be required upon a petition for the appointment of a guardian of an alleged incompetent person, a like notice shall be given of the petition under this chapter. Any officer or agency of this state or the United States or the authorized delegate thereof, or any relative or friend of the absentee, may appear and oppose the petition.

1780. If, upon the hearing of the petition, the court finds that the allegations of the petition are true and correct, the court may set aside to the family of the absentee, in the order specified, personal property of the absentee situated in California (excluding any sums due the absentee from the United States) in which the absentee's interest therein does not exceed five thousand dollars (\$5,000). No bond shall be required of any person to whom property of the absentee has been set aside by the court pursuant to this chapter.

1781. If the court finds that the value of all of the absentee's property, wherever situated, exceeds five thousand dollars (\$5,000) or that the absentee owns or has any interest in real property, wherever situated, such finding shall not deprive the court of jurisdiction to set aside to the family of the absentee personal property of the absentee situated in California in which the absentee's interest therein does not exceed five thousand dollars (\$5,000) and the court shall set aside such personal property to the family of the absentee, in the order specified, if the court finds that all of the other provisions of this chapter have been complied with.

1782. For the purposes of this chapter, any property or interest therein or lien thereon which the absentee holds as joint tenant shall be included in determining the estate of the absentee and its value and may be set aside to the family of the absentee as specified herein; provided, however, that such joint tenancy interest may only be set aside to a member of the absentee's family who was a joint tenant with the absentee in such property.

1783. Within six months after the absentee has returned to the

controllable jurisdiction of the military department or civilian agency or department concerned, or within six months after the determination of death of the absentee by the secretary concerned or the head of the department or agency concerned or his delegate, as the case may be, the former absentee or the personal representative of the deceased absentee may, by motion in the same proceeding, require the person or persons to whom the property of the absentee was set aside to account for the property and the proceeds thereof, if any. The time of return to the controllable jurisdiction of the military department or civilian department or agency concerned or the determination of the time of death of the absentee, shall be determined in the manner provided in Section 1755.5. This section does not in any manner derogate the finality and conclusiveness of any order, judgment, or decree previously entered in the proceeding.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A substantial number of citizens of this state, and others who own or possess property in this state, who have or will enter the military service, or other U.S. government service, have performed or may hereafter perform, such service in an area of hostilities in which the United States is, and has been, engaged. In the course of such service, many of such persons are now, or may hereafter be, in a missing status, as defined in U.S. Code Title 37, Chapter 10 or Title 5, Chapter 55, Subchapter VII; that is, declared by authority of those statutes to be missing; missing in action; interned in a foreign country; captured, beleaguered, or besieged by a hostile force; or detained in a foreign country against their will. With particular reference to persons in missing status by reason of hostilities in southeast Asia: more of them are from California and more of their spouses and families live in California than any other state. The number of them from California, and the number of their spouses and families who live in California, are each larger in proportion to the respective total number than the population of California is as a proportion of the total population of the United States.

Such missing status is causing immediate prejudice to the estates of such missing persons, and difficulty and hardship to their families by their inability to consummate transactions, such as to sell property, withdraw funds, cash checks, transfer securities and the like, upon which the families are dependent. The provisions and amendments hereby enacted must be effective immediately and without delay in order to avoid such immediate prejudice, hardship, and difficulty.

For these reasons this act is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and shall go into immediate effect.

SEC. 10. This act shall be known as the P.O.W.-M.I.A. Family Relief Act of 1972.

CHAPTER 989

An act relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of seventy-six thousand five hundred dollars (\$76,500) to the Regents of the University of California to be expended to provide police foot patrol in Isla Vista in that county by the University of California Police Department.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A portion of the present source of funding for police foot patrol in Isla Vista, near the University of California at Santa Barbara, will terminate on July 1, 1972. The remaining source of funds for such purpose will terminate in December 1972. In order that the funds appropriated by this act will become available as soon as possible, it is necessary that this act take effect immediately.

SEC. 3. Nothing in this act shall be construed to extend the law enforcement responsibility of the University of California to the Isla Vista area beyond voluntary participation in financing and providing such services as expressly provided in this act.

CHAPTER 990

An act to add Chapter 11 (commencing with Section 190) to Division 1 of the Probate Code, and to repeal Sections 13409 and 15209 of, and add Sections 13409 and 15209 to, the Revenue and Taxation Code, relating to disclaimers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972 Filed with Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 190) is added to Division 1 of the Probate Code, to read:

CHAPTER 11. DISCLAIMER OF TESTAMENTARY
AND OTHER INTERESTS

190. As used in this chapter, unless otherwise clearly required by the context:

(a) "Beneficiary" means and includes any person entitled, but for his disclaimer, to take an interest (1) by intestate succession, (2) by devise, (3) by legacy or bequest, (4) by succession to a disclaimed interest, (5) by virtue of an election to take against a will, (6) as beneficiary of a testamentary trust, (7) pursuant to the exercise or nonexercise of a power of appointment, (8) as donee of any power of appointment, or (9) as beneficiary of an inter vivos gift, whether outright or in trust;

(b) "Interest" means and includes the whole of any property, real or personal, legal or equitable, or any fractional part, share or particular portion or specific assets thereof, or any estate in any such property, or power to appoint, consume, apply or expend property, or any other right, power, privilege or immunity relating thereto;

(c) "Disclaimer" means a written instrument which declines, refuses, renounces or disclaims any interest which would otherwise be succeeded to by a beneficiary;

(d) "Disclaimant" means a person who executes a disclaimer on his own behalf or on behalf of another.

190.1. A beneficiary may disclaim any interest, in whole or in part, by filing a disclaimer as provided in this chapter. The disclaimer shall (i) identify the decedent or donor, (ii) describe the property or part thereof or interest therein disclaimed, (iii) declare the disclaimer and the extent thereof, and (iv) be signed by the disclaimant.

190.2. A disclaimer on behalf of an infant, incompetent, conservatee or decedent shall be made by the guardian of the estate of the infant, the guardian of the estate of the incompetent, the conservator of the estate of the conservatee, or the personal representative of the decedent.

190.3. A disclaimer to be effective shall be filed within a reasonable time after the person able to disclaim acquires knowledge of the interest.

(a) Except as otherwise provided in subsection (c), a disclaimer shall be conclusively presumed to have been filed within a reasonable time if filed as follows:

(1) In case of interests created by will, within nine months after the death of the person creating the interest. Interests resulting from the exercise or nonexercise of a testamentary power of appointment shall be deemed created by the donee of the power for purposes of this chapter.

(2) In case of interests arising from intestate succession, within

nine months after the death of the person dying intestate.

(3) In case of interests created by inter vivos trusts, within nine months after the interest becomes indefeasibly fixed. Interests resulting from the exercise or nonexercise of a nontestamentary power of appointment shall be deemed created by the donee of the power for purposes of this chapter.

(4) In other cases, within nine months after the first knowledge of the interest is obtained by a person able to disclaim.

(b) If the disclaimer is not filed within the time set forth in subsection (a), the disclaimant shall have the burden to establish the disclaimer was filed within a reasonable time after he acquired knowledge of the interest.

(c) A disclaimer shall be conclusively presumed not to have been filed within a reasonable time after the person able to disclaim acquired knowledge of the interest if:

(1) An interest in the property which is in whole or in part sought to be disclaimed has been acquired by a purchaser or encumbrancer for value subsequent to or concurrently with the creation of the interest sought to be disclaimed and prior to such disclaimer, and

(2) One year has elapsed from the death of the person dying intestate or creating by will the interest sought to be disclaimed, or from the date of the transfer by inter vivos gift, whether outright or in trust.

190.4. The disclaimer shall be filed as follows:

(a) In case of interests created by will or arising from intestate succession, with the superior court in the county in which the estate of the decedent is administered; if there is no administration, with the superior court in the county in which administration would be proper.

(b) In case of interests created by an inter vivos trust, with the trustee then acting.

(c) In other cases, with the person creating the interest.

Disclaimers made pursuant to this chapter which affect real property or obligations secured by real property shall be acknowledged and proved, and may be certified and recorded, in like manner and with like effect as grants of real property, and all statutory provisions relating to the recordation or nonrecordation of conveyances of real property and to the effect thereof shall apply to such disclaimers with like effect, without regard to the date when the disclaimer was filed, if at all, pursuant to subdivisions (a) through (c) of this section. Failure to so file a disclaimer which is recorded pursuant to this section shall not affect the validity of any transaction with respect to such real property or obligation secured thereby, and the general laws of this state on recording and its effect shall govern any such transaction.

190.5. A disclaimer, when effective, shall be binding upon the beneficiary and all persons claiming by, through or under him. A person who, under this chapter, could file a disclaimer, may instead file a written waiver of a right to disclaim and such waiver, when

filed, shall be binding upon the beneficiary and all persons claiming by, through or under him.

190.6. Unless otherwise provided in the will, inter vivos trust, exercise of the power of appointment, or other written instrument creating or finally determining, an interest, the interest disclaimed and any future interest which is to take effect in possession or enjoyment at or after the termination of the interest disclaimed, shall descend, go, be distributed or continued to be held as if the beneficiary disclaiming had predeceased the person creating the interest. In every case, the disclaimer shall relate back for all purposes to the date of the creation of the interest.

190.7. A disclaimer may not be made after the beneficiary has accepted the interest to be disclaimed. An acceptance does not preclude a beneficiary from thereafter disclaiming all or part of any interest to which he became entitled because another person disclaimed an interest and of which interest the beneficiary or person able to disclaim on his behalf had no knowledge. For the purposes of this chapter, if a disclaimer has not theretofore been filed, a beneficiary has accepted an interest if he, or someone acting on his behalf, (1) makes a voluntary assignment or transfer of, or contract to assign or transfer, the interest or part thereof, or (2) executes a written waiver of the right to disclaim the interest, or (3) sells or otherwise disposes of the interest or any part thereof pursuant to judicial process.

190.8. The right to disclaim shall exist irrespective of any limitation imposed on the interest of a beneficiary in the nature of an expressed or implied spendthrift provision or similar restriction.

190.9. Any interest created prior to the effective date of this chapter which has not been accepted, may be disclaimed after the effective date of this chapter in the manner provided herein; provided, however, that no interest which has arisen prior to the effective date of this chapter in any person other than the beneficiary, shall be destroyed or diminished by any action of the disclaimant taken pursuant to this chapter.

190.10. This chapter shall not limit or abridge the presently existing rights of any person to assign, convey, release or disclaim any property or interest therein.

SEC. 2. Section 13409 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 13409 is added to the Revenue and Taxation Code, to read:

13409. Transfers of any interest in real or personal property and all rights and powers relating to the same which have been duly disclaimed pursuant to the provisions of Chapter 11 (commencing with Section 190) of Division 1 of the Probate Code or in any other valid manner, shall be subject to the inheritance tax only if, and to the same extent and in the same manner as, the same would have been subject to such tax if such interest, rights and powers had been originally created in favor of and transferred to the same persons and

in the same shares in which they are effectively distributed or otherwise disposed of, after giving full effect to such disclaimers pursuant to the governing instrument, if any, and Chapter 11 (commencing with Section 190) of Division 1 of the Probate Code and all other applicable law.

SEC. 4. Section 15209 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 15209 is added to the Revenue and Taxation Code, to read:

15209. A disclaimer of an interest in real or personal property or of rights or powers relating to the same pursuant to the provisions of Chapter 11 (commencing with Section 190) of Division 1 of the Probate Code, or in any valid manner, shall not be deemed to constitute a gift by the person so disclaiming for purposes of the gift tax imposed by Section 15201.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a question in the application of state law in the area of disclaimers, which is not in conformity with federal law in relation to the taxation of disclaimers. The immediate effectiveness of this act will establish conformity, and will allow estate planning to proceed without confusion and possible litigation. In order to avoid this confusion and possible litigation and to reestablish certainty in the law, it is necessary that this act go into immediate effect.

CHAPTER 991

An act to amend Sections 9501, 9507, 9511, 9540.2, 9575, 9575.6, 9594, and 9597 of, to repeal Sections 9555 and 9580.1 of, and to add Article 9 (commencing with Section 9599) to Chapter 18 of Division 3 of, the Business and Professions Code, and to add Chapter 2 (commencing with Section 13201) to, and to repeal Chapter 2 (commencing with Section 13201) and Chapter 3 (commencing with Section 13501) of, Part 2 of Division 12 of the Health and Safety Code, relating to cleaning, dyeing, and pressing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9501 of the Business and Professions Code is amended to read:

9501. (a) "Cleaning" and "drycleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics,

household items, or textiles by immersion and agitation, spraying, vaporization, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile or inflammable product, applied either manually or by means of a mechanical appliance and including self-service or coin-operated equipment in whole or in part.

(b) Drycleaning also includes cleaning of all textiles, furs, drapes, and feathers in, by, or with any solvent, or by sonic or electronic cleaning, or by the use of sawdust or other similar solid dry materials mixed with solvents or used without solvents and applied manually or by a mechanical device to perform the process of cleaning by immersion or nonimmersion, and with or without agitation.

(c) When the garment is a fur garment, or a garment to which fur is attached, "drycleaning" also includes the use of sawdust or other similar solid materials mixed with noninflammable solvents, applied manually, with a mechanical device, or a fur-cleaning drum and glazing of fur and cleaning of lining. As used in this section, "spraying" does not include spraying during the process of spotting.

SEC. 2. Section 9507 of the Business and Professions Code is amended to read:

9507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of drycleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, and including self-service or coin-operated equipment in whole or in part.

"Clothes cleaning establishment" includes a place where any of the services described in subdivision (b) of Section 9501 are performed whether such services are performed at a fixed or mobile location.

SEC. 3. Section 9511 of the Business and Professions Code is amended to read:

9511. "Drycleaning agency" means any premises, business, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, service inlet, or service outlet, upon, in, or through which is operated a service for receiving and delivering wearing apparel, feathers, hats, fabrics, or textiles, but excluding furs, as to which a spotting, sponging, drycleaning, dyeing, renovating, or pressing or other finishing service is to be performed.

A person does not conduct a drycleaning agency within the meaning of this chapter if no charge is made for the services rendered and the only compensation received is a gratuity.

Nothing herein contained shall be deemed to be applicable to any salaried or commission driver using the firm name and address, and the sales tags and billheads of a regularly licensed drycleaning plant, cleaning and dyeing plant, cleaning and dyeing shop or store, or a spotting, sponging or pressing establishment, or to any independent

driver.

SEC. 4. Section 9540.2 of the Business and Professions Code is amended to read:

9540.2. An individual, a copartnership, a corporation, or any other combination or organization, may qualify in regard to his knowledge by the appearance of the managing employee, the managing officer or other member of the personnel of such applicant firm.

If the individual qualifying by the examination of his experience and knowledge ceases, for any reason whatsoever, to be connected with the licensee to whom the license is issued, or if any individual who has been denied a license, or who has had a license revoked, or whose license is under suspension, or who has failed to renew his license while it was under suspension, or has been a member, officer, director, associate, managing employee or responsible managing officer of any partnership, corporation, firm or association whose application for a license has been denied, or whose license has been revoked, or whose license is under suspension, or who has failed to renew its license while it was under suspension, shall in any way become associated with a licensee as a partner, member, officer, director, associate, or managing employee, the licensee shall notify the board in writing within 10 days from such cessation, association or employment. If a notice is given the license shall remain in force for a reasonable length of time to be determined by the rules of the board.

If the licensee fails to notify the board within the 10-day period, at the end of the period his license shall be ipso facto suspended. The license shall be reinstated upon the filing of an affidavit, executed by the licensee or a member of the licentiate firm and filed with the board, to the effect that the person originally appearing for examination on behalf of the licensee has been replaced by another individual and that this individual has been qualified by examination and that he has not had his license suspended or revoked or that he has not been connected with a licensee who has had his license suspended or revoked for reasons that would preclude this individual from personally qualifying as to the good character required of an applicant.

SEC. 5. Section 9555 of the Business and Professions Code is repealed.

SEC. 6. Section 9575 of the Business and Professions Code is amended to read:

9575. All funds collected pursuant to this chapter shall be transmitted to the State Treasurer for deposit in the State Treasury and shall be credited to the Dry Cleaners' Fund, which is appropriated without regard to fiscal years, as follows:

- (a) For the support of the State Board of Dry Cleaners.
- (b) For expenditure by the board pursuant to Section 9575.6.

SEC. 7. Section 9575.6 of the Business and Professions Code is amended to read:

9575.6. The sum of seventy-five thousand dollars (\$75,000) from

the Dry Cleaners' Fund, may be expended by the State Board of Dry Cleaners, during the 1972-1973 fiscal year and each fiscal year thereafter. This amount may be expended at the rate of not more than seventy-five thousand dollars (\$75,000) during any one such fiscal year, for the purpose of conducting consumer information and education programs and industry continuing education and research programs on factors involved in the handling of consumer complaints, the cleaning and maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers, and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics.

SEC. 8. Section 9580.1 of the Business and Professions Code is repealed.

SEC. 9. Section 9594 of the Business and Professions Code is amended to read:

9594. After notice and hearing the board may deny, suspend or revoke any license or registration certificate under this chapter for any of the following reasons:

(1) If the holder thereof or any applicant has failed to comply with any written demand, ruling or regulation of the board made pursuant to and within the authority of this chapter.

(2) If any fact or condition exists, which if the same had existed at the time of the original application, would have warranted a refusal of such license or registration certificate.

(3) The board shall have the power to suspend or revoke any license should the holder thereof fail to comply with the provisions of Chapter 2 (commencing with Section 13201) of Part 2 of Division 12 of the Health and Safety Code, or rules and regulations made pursuant thereto.

SEC. 10. Section 9597 of the Business and Professions Code is amended to read:

9597. The holder of any license or registration certificate shall submit it for inspection upon the request of the board or an employee thereof or of an inspector or investigator of the department's Division of Investigation.

SEC. 11. Article 9 (commencing with Section 9599) is added to Chapter 18 of Division 3 of the Business and Professions Code, to read:

Article 9. Clothes Cleaning Establishments

9599. No person shall operate a clothes cleaning establishment unless the establishment has been inspected and approved by the board as complying with the requirements of this article and any regulations adopted by the board pursuant thereto. The board shall without charge issue a certificate of compliance to the owner of an establishment which has been so approved.

9599.1. "Volatile, commercially moisture-free solvent" means either of the following:

(a) Any commercially moisture-free liquid, volatile product or substance having the capacity to evaporate and, during evaporation, to generate and emit a gas or vapor.

(b) Any solvent commonly known to the clothes cleaning industry as a "chlorinated hydrocarbon solvent."

9599.2. In any clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for drycleaning, the performance of all the drycleaning, drying, and deodorizing processes may be completed entirely within fluid-tight machines or apparatus vented to the open air at a point not less than eight feet from any window or other opening and so used and operated as to prevent the escape of fumes, gases or vapors into workrooms or work places.

9599.3. Except when operations are performed as provided in Section 9599.2, no person shall operate a clothes cleaning establishment in which more than one gallon of a volatile, commercially moisture-free solvent of the chlorinated hydrocarbon type is used for drycleaning unless:

(a) All of the drycleaning, drying, and deodorizing processes are performed in a single room or compartment designed and ventilated in such a manner that dangerous toxic concentrations of vapors will not accumulate in working areas or,

(b) The drycleaning processes are performed in fluid-tight machines or apparatus designed, installed and operated in a manner that will prevent the escape of dangerous toxic concentrations of vapors to the working areas.

9599.4. A concentration of chlorinated hydrocarbon vapor, as determined by test devices and methods prescribed in regulations adopted by the board, in excess of the maximum allowable concentrations set forth below shall be considered as being a "dangerously toxic concentration." Carbon tetrachloride—25 parts per million. Perchloroethylene—100 parts per million. Trichloroethylene—100 parts per million.

9599.5. The dangerously toxic concentrations of vapors of solvents not defined in this chapter shall be established by regulations adopted by the board. The board shall seek the advice of the State Department of Public Health in developing such regulations.

9599.6. The room or compartment shall be completely inclosed except for necessary door and window openings to enable operators to carry on operations within, but without entering, the room or compartment. The doors shall be self-closing and shall not be left open.

9599.7. The room or compartment shall be equipped with a system of mechanical ventilation that will completely change the air content at least once every two minutes while:

(a) A drycleaning, drying, or deodorizing process is being performed.

(b) A solvent is exposed to the air in the room or compartment.

(c) Alterations, adjustments, or repairs are being made in the room or compartment.

The air shall be taken out of the room or compartment at the floorline, and shall be discharged to the open air at a point not less than eight feet from any window or other opening.

9599.8. No employee shall be permitted to enter the room or compartment except for the purpose of making necessary repairs, alterations, or adjustments.

SEC. 12. Chapter 2 (commencing with Section 13201) is added to Part 2 of Division 2 of the Health and Safety Code, to read:

CHAPTER 2. CLOTHES CLEANING ESTABLISHMENTS

13201. The minimum fire protection and building construction standards for all drycleaning plants and processes in this state shall be the provisions of the Uniform Fire Code, 1971 Edition, and its referenced document as published by the International Conference of the Building Officials and the Western Fire Chiefs Association, Inc. Any local agency may adopt more restrictive standards.

13202. Facilities which are in existence on the effective date of this section need not mandatorily conform or be made to conform with the requirements of Section 13201 for new construction if in the opinion of the enforcing authority there is a reasonable degree of fire and life safety in such facilities.

13203. The division of authority for the enforcement of this chapter shall be as follows:

(a) The chief of any city or county fire department or fire protection district and their authorized representatives in their respective areas on matters relating to fires and fire protection, and the State Fire Marshal outside of such areas.

(b) The local building official on matters relating to building construction.

SEC. 13. Chapter 2 (commencing with Section 13201) of Part 2 of Division 12 of the Health and Safety Code is repealed.

SEC. 14. Chapter 3 (commencing with Section 13501) of Part 2 of Division 12 of the Health and Safety Code is repealed.

SEC. 15. The State Fire Marshal and the State Board of Dry Cleaners shall arrange for the orderly transfer prior to the operative date of this act to the appropriate enforcing agency of any records, papers, and equipment held for the benefit or use of the State Fire Marshal or the State Board of Dry Cleaners relating to a function, duty, power, purpose, responsibility and jurisdiction thereof that are transferred to or vested in any enforcing agency by this act.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act would transfer various functions of the State Fire Marshal

with respect to clothes cleaning establishments to the State Board of Dry Cleaners which will increase the efficiency of state government and improve the regulation of the drycleaning industry.

This act will also make funds available for the purpose of conducting consumer education and information programs and industry continuing education and research programs. In order to insure the safety and protection of the public and the industry from fire hazards and other dangerous conditions and practices, and to provide education, information, and research programs which are vitally necessary to the public and the industry, it is imperative that this act take effect immediately.

CHAPTER 992

An act to amend Sections 13103, 13117.2, 13125.1, 13130, 13141, and 13165 of, and to add Sections 51 and 13113.2 to, the Education Code, relating to teacher preparation and licensing.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 51 is added to the Education Code, to read:

51. With respect to the personnel of school districts and other educational agencies, the terms "certificated" and "certified" have the same meaning.

SEC. 2. Section 13103 of the Education Code, as amended by Chapter 1465 of the Statutes of 1971, is amended to read:

13103. As used in this chapter:

(a) "Commission" means the Commission for Teacher Preparation and Licensing.

(b) "Approved institution" means any institution approved by the commission.

(c) "Subject matter examination" means any objective examination approved by the commission as an instrument to measure subject matter knowledge. Successful passage of a subject matter examination or its waiver shall be mandatory for any intern or any applicant for a teaching credential.

(d) "Professional preparation" means either (1) at least nine semester units of professional education courses and one semester of approved full-time student teaching or its equivalent under the supervision of an approved college or university, or (2) an approved internship program of at least one year.

(e) "Fifth year" means a full academic year, or its equivalent, at the postgraduate level taken at an approved college or university. Institutions of higher education and public schools may be authorized to attest to a teacher's completion of this requirement.

Minimum requirements for teaching credentials shall not include more than the equivalent of one-fifth of a five-year program in, or one year of, professional preparation of which at least one-half will be in student teaching.

(f) "In-service training" means any program of teacher education or preparation offered jointly by a school district and an approved college or university for the purposes of improving or upgrading a teacher's skills, knowledge, or instructional methods which is offered for credit and is approved by the commission.

(g) "Authorization" means the designation appearing on the teaching or service credential identifying the areas of instruction or service which the credential holder is permitted to perform.

(h) "Any grades" and "all grades" means grade 12 or below.

(i) "Rules, regulations, and determinations" means every rule, regulation, order, standard, or determination of general application or the amendment, supplement, or revision of any such rule, regulation, order, standard, or determination adopted by the commission to implement, interpret, or make specific the law enforced and administered by the commission.

SEC. 3. Section 13113.2 is added to the Education Code, to read:

13113.2. The executive secretary, subject to such additional conditions as the commission may establish, may purchase annuity contracts for permanent employees of the commission and shall reduce the salary of an employee for whom such contract is purchased by the amount of the cost thereof provided that all of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of 1954 and Section 17512 of the Revenue and Taxation Code;

(b) The employee makes application to the executive secretary for such purchase and reduction of salary; and

(c) All provisions of the Insurance Code and the Government Code applicable to the purchase of such annuities are satisfied.

SEC. 4. Section 13117.2 of the Education Code is amended to read:

13117.2. Notwithstanding any other provision of law to the contrary, any and all rules, regulations, and determinations of the commission shall be subject to review and approval by the State Board of Education. Any and all such rules, regulations, and determinations shall take effect within 60 days of submission, or 75 days if submitted less than 10 days before the next regularly scheduled board meeting, unless stayed by action of the State Board of Education. Any and all rules, regulations, and determinations adopted by the commission and approved by the State Board of Education shall be amendments, deletions, and additions to those sections of Title 5 of the California Administrative Code dealing with the preparation and licensing requirements of California educational personnel for the implementation of this chapter.

SEC. 5. Section 13125.1 of the Education Code is amended to

read:

13125.1. The period for which a credential, as authorized under Section 13125, is valid shall be as follows:

- (a) For an internship credential: two years.
- (b) For a preliminary credential, pending completion of the fifth year of study: five years.
- (c) For a life credential: the life of the holder.
- (d) For an emergency credential: one year or as the commission may determine.

SEC. 6. Section 13130 of the Education Code is amended to read:

13130. The minimum requirements for the teaching credential, except designated subjects, are:

- (a) A baccalaureate degree or higher degree, except in professional education, from an approved institution.
- (b) A fifth year of study to be completed within five years of the first employment of the certified employee.
- (c) An approved program of professional preparation.
- (d) Passage of a subject matter examination or its waiver as specified in this chapter.
- (e) Demonstration of a knowledge of the various methods of teaching reading, to a level deemed adequate by the commission, by successful completion of a program of study approved by the commission or passage of a commission-approved reading examination.

SEC. 7. Section 13141 of the Education Code is amended to read:

13141. The minimum requirements for the services credential with a specialization in administrative services are all of the following:

- (a) The possession of a valid teaching credential as specified in Section 13130 or a services credential with a specialization in pupil personnel services.
- (b) A minimum of three years of successful, full-time classroom teaching experience in the public schools, or in private schools of equivalent status or three years of further experience in the field of pupil personnel services.
- (c) The passage of an examination selected and interpreted by the commission or its approved waiver as set forth in Sections 13150 and 13158.

(d) A program of specialized and professional preparation in administrative services approved by the commission or one year internship in a commission-approved program of supervised in-service training in administrative services or an examination in administrative services.

The services credential with a specialization in administrative services shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, principal, assistant principal, supervisor, consultant, coordinator, or in an equivalent or intermediate level administration position.

Any person who administers a pupil personnel program shall hold

a services credential with a pupil personnel or administrative specialization.

SEC. 8. Section 13165 of the Education Code, as added by Chapter 557 of the Statutes of 1970, is amended to read:

13165. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the commission or with the Board of Governors of the California Community Colleges, as the case may be. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the state shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the state. Upon the violation of any of the terms of the oath or affirmation, the commission or the Board of Governors of the California Community Colleges, as the case may be, shall suspend or revoke the credential which has been issued.

SEC. 9. Sections 2, 5, 6, 7, and 8 of this act shall become operative on July 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing shall determine.

CHAPTER 993

An act to amend Section 13590.2 of, and to add Sections 13590.5 and 13590.6 to, the Education Code, relating to school classified employees.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13590.2 of the Education Code is amended to read:

13590.2. The governing board of each district shall provide the extent to which, and establish the method by which ordered overtime is compensated. The board shall provide for such compensation or compensatory time off at a rate at least equal to time and one-half the regular rate of pay of the employee designated and authorized to perform the overtime.

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any

calendar week. If a governing board establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but 35 hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime. The foregoing provisions do not apply to classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established, nor to positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 13590.5 is added to the Education Code, to read:

13590.5. Notwithstanding the provisions of Section 13590.1, the workweek shall consist of not more than five consecutive working days for any employee having an average workday of four hours or more during the workweek. Such an employee shall be compensated for any work required to be performed on the sixth or seventh day following the commencement of the workweek at a rate equal to $1\frac{1}{2}$ times the regular rate of pay of the employee designated and authorized to perform the work.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his workweek, be compensated for at a rate equal to $1\frac{1}{2}$ times the regular rate of pay of the employee designated and authorized to perform the work.

Positions and employees excluded from overtime compensation pursuant to Section 13590.4 shall likewise be excluded from the provisions of this section.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 3. Section 13590.6 is added to the Education Code, to read:

13590.6. Notwithstanding the provisions of Section 13590.5, a governing board of a district may establish a 10-hour-per-day, 40-hour, four-consecutive-day workweek for all, or certain classes of its employees, or for employees within a class when, by reason of the work location and duties actually performed by such employees, their services are not required for a workweek of five consecutive

days, provided the establishment of such a workweek has the concurrence of the concerned employee, class of employees, or classes of employees as ascertained through the employee organization representing a majority of the concerned employees or class, or classes, of employees, as determined by the payroll deduction authorizations for dues in classified employee organizations on file with the district on the last day of the month next preceding the date the board action was taken.

Where a board has previously established the workweek of not less than 35 hours, it may require the established workweek to be performed in four consecutive days by any class or classes of employees or by employees within a class, when by reason of the work location and duties actually performed by such employees their services are not required for a workweek of five consecutive days, with the concurrence of employee personnel as provided herein.

When a four-day workweek is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed 10 hours. Work performed on the fifth, sixth and seventh days shall be compensated for at a rate equal to 1½ times the regular rate of pay of the employee designated and authorized to perform the work.

An employee working an average workday of five hours or less during a workweek shall, for any work required to be performed on the sixth or seventh day following the commencement of his workweek, be compensated for at a rate equal to 1½ times the regular rate of pay of the employee designated and authorized to perform the work.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 994

An act to amend Section 6426 of the Education Code, relating to mentally gifted minors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6426 of the Education Code, as amended by Chapter 868 of the Statutes of 1971, is amended to read:

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district or county superintendent of schools an amount equal to the following:

Fiscal year	Amount per pupil participating in program for one school year
1972-1973.....	\$70
1973-1974.....	80
1974-1975.....	90
1975-1976 and fiscal years thereafter.....	100

The amount per pupil participating for one semester is one-half of the amount prescribed above for one year's participation.

The Superintendent of Public Instruction, if he approves, shall also apportion to each applicant school district or county superintendent of schools an amount equal to fifty dollars (\$50) for each pupil identified as a mentally gifted minor.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergartens and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools.

Each applicant school district or county superintendent of schools shall report to the Superintendent of Public Instruction as a part of the annual financial report the total income, including the amount apportioned for special programs and services for mentally gifted pupils during the year, the total number of such pupils participating in special programs or services, and the amount per special program or service expended for them. If the Superintendent of Public Instruction finds that the amount of state funds allocated are in excess of the expenditures, such excess shall be withheld pursuant to the provisions of Section 17414.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the revised allowances prescribed by this act to be operative for the 1972-1973 fiscal year, and so effectuate the intent of the Legislature, it is necessary that this act take effect immediately.

CHAPTER 995

An act to add Section 228 to the Revenue and Taxation Code, relating to property tax exemption.

[Approved by Governor August 16, 1972. Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 228 is added to the Revenue and Taxation Code, to read:

228. (a) A vessel with a market value of four hundred dollars (\$400) or less shall be free from taxation. This section shall only apply to vessels used or held for noncommercial purposes and shall not apply to lifeboats or other vessels used in conjunction with operations of vessels with a market value of more than four hundred dollars (\$400). This section shall not apply to any vessel on which an exemption is claimed under Section 210 and shall not apply to more than one vessel owned, claimed, possessed, or controlled by an assessee on the lien date.

(b) For purposes of this section, "vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except vessels described in paragraphs (1) and (2) of subdivision (c) of Section 651 of the Harbors and Navigation Code.

(c) For purposes of this section, "vessel" includes all equipment, including mode of power, and furnishings that are normally required aboard the vessel during the accomplishment of the functions for which the vessel is being utilized.

SEC. 2. The provisions of this act shall become operative on the lien date in 1973.

CHAPTER 996

An act to amend Section 25001.3 of the Government Code, relating to supervisorial districts.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25001.3 of the Government Code is amended to read:

25001.3. At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the county planning department or planning commission, pursuant to Section 25001. In the event any such census or report for Alameda County prior to December 1, 1976, shows that the population of the districts in such county is not as nearly equal as may be, the board shall, prior to December 31, 1976, adjust the boundaries of the districts pursuant to Section 25001.

SEC. 2. Section 1 of this act is necessary since special facts and circumstances applicable to supervisorial districts in Alameda

County in the decade 1970–1980, and not generally applicable, make the accomplishment of this purpose impossible by any general law. Special legislation applicable to Alameda County only is therefore necessary in such decade. The special facts, resulting in the expectation of unique and rapid shifts in population in Alameda County, are as follows:

(1) The southward or suburban migration from the core city area, which has been caused by the construction of a new network of freeways, will become exaggerated when the Bay Area Rapid Transit district opens service to the south county.

(2) There is a distinct lack of land for new construction in the north county area, hence a dramatic population shift as can be found in the Oakland-Emeryville area, where Emeryville was forced to fill a section of the bay in order to find more land for housing development.

(3) There is a steadily increasing concentration of institutional facilities such as schools, dormitories, convalescent homes, homes for the aged in the north county area.

(4) Much north county housing has been removed for public projects such as expansion of hospital facilities in the core city area, rapid transit right-of-way acquisition, and freeway acquisition.

(5) The trend toward off-campus housing of students has forced a speedup in the migration of families from the university or north county area to the south county area. As a result, one or two persons will replace a family of five which moves to the suburbs. As the population continues to shift southward at an ever increasing pace, new industry tends to develop. Therefore, it is expected that the accelerated migration will continue as more jobs become available in the south areas where the families with children are settling.

(6) South county supervisors not only will be representing a disproportionate number of persons as this migration continues, but will have a continued larger area of land to represent. This situation will be underscored by the demand for more open-space land, all of which now lies in the south county area.

CHAPTER 997

An act to add Sections 31621.11 and 31639.26 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31621.11 is added to the Government Code, to read:

31621.11. Instead of the normal rates of contribution required by

Section 31621, 31621.1, or 31621.2 the board may, upon actuarial advice, establish a single rate of contributions applicable to all members. However, this rate shall be such as to provide the average annuity described in Section 31621, 31621.1, or 31621.2 and it shall not supersede any smaller rate for any person who is a member on the date this section is made operative in any county.

SEC. 2. Section 31639.26 is added to the Government Code, to read:

31639.26. Instead of the normal rates of contribution required by Section 31639.25 the board may, upon actuarial advice, establish a single rate of contributions applicable to all members. However, this rate shall be such as to provide the average annuity described in Section 31639.25 and it shall not supersede any smaller rate for any person who is a member on the date this section is made operative in any county.

CHAPTER 998

An act to amend Section 3500 of the Government Code, relating to public employer-employee relations.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3500 of the Government Code is amended to read:

3500. It is the purpose of this chapter to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies. Nothing contained herein shall be deemed to supersede the provisions of existing state law and the charters, ordinances, and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations nor is it intended that this chapter be binding upon those public agencies which provide procedures for the administration of employer-employee relations in accordance with the provisions of this chapter. This chapter is intended, instead, to strengthen merit, civil service and other

methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed.

SEC. 2. The provisions of this act shall not become operative if Senate Bill No. 1440 of the 1972 Regular Session of the Legislature is enacted and becomes effective.

CHAPTER 999

An act to amend Sections 12002.1 and 12314 of, to add Sections 12314.1, 12315.1, and 12331 to, and to repeal Section 12331 of, the Financial Code, relating to proraters.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12002.1 of the Financial Code is amended to read:

12002.1. A prorater is a person who, for compensation, engages in whole or in part in the business of receiving money or evidences thereof for the purpose of distributing the money or evidences thereof among creditors in payment or partial payment of the obligations of the debtor.

SEC. 2. Section 12314 of the Financial Code is amended to read:

12314. The total charges received by a prorater, or any other person for the prorater's services, may not exceed in the aggregate twelve percent (12%) for the first three thousand dollars (\$3,000), eleven percent (11%) for the next two thousand dollars (\$2,000), and ten percent (10%) for any of the remaining payments distributed by a prorater to the creditors of a debtor, except for payments made on recurrent obligations. Recurring obligations shall be defined for the purpose of this section as follows: current rent payments, current utility payments, current telephone bills, current alimony payments, current monthly insurance premium payments, and payments made on obligations which are secured by a first mortgage or first deed of trust on real property.

(a) Notwithstanding the provisions of Section 12315, upon compliance with the provisions of Sections 12315.1, and 12320, an origination fee of a sum not to exceed fifty dollars (\$50) may be charged;

(b) A fee not to exceed four dollars (\$4) per disbursement on recurring obligations, consisting of current rent payments or obligations which are secured by a first mortgage or first trust deed on real property, may be charged.

(c) A fee not to exceed one dollar (\$1) on other recurring

obligations.

When a debtor has not canceled or defaulted on the performance of his contract with the prorater within 12 months after execution of the prorate contract, the prorater shall refund any origination fee charged to the debtor. At least once each month the prorater shall pay not less than 70 percent of all funds received from the debtor to the creditors of the debtor.

SEC. 3. Section 12314.1 is added to the Financial Code, to read:

12314.1. A cancellation fee or termination penalty may not be charged to a debtor.

SEC. 4. Section 12315.1 is added to the Financial Code, to read:

12315.1. A prorater shall notify, in writing, all creditors listed in the prorate contract of the debtors desire to engage the services of the prorater within five days of the effective date of the contract as defined in Section 12320. The notification shall include a notice as to the proposed monthly payment to be made to the creditor. Every contract between a prorater and a debtor shall list every debt to be prorated with the creditor's name, and disclose the total of all such debts.

SEC. 5. Section 12331 of the Financial Code is repealed.

SEC. 6. Section 12331 is added to the Financial Code, to read:

12331. Within the organization of each prorater corporation, either as an owner, officer, or employee, there shall be one or more persons possessing a minimum of five years experience in consumer credit extension or credit collection activity. At least one such qualified person shall be stationed on duty at each business location during the time the location is open for business.

CHAPTER 1000

An act to amend Section 24074 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 16, 1972 Filed with
Secretary of State August 16, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The transfer application shall be accompanied by a description of the

entire consideration. Such description shall include a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, to the payment of claims for wages, salaries, or fringe benefits of employees of the seller or transferor earned or accruing prior to the sale, transfer, or opening of an escrow for the sale thereof;

Second, to the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Third, to the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Fourth, to the payment of claims on mechanics' liens;

Fifth, to the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Sixth, to the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises and the payment of claims for services rendered, performed, or supplied in connection with the operation of the licensed business.

Seventh, to the payment of all other claims. The payment of these claims if sufficient assets are not available for the payment of the claim in full shall be paid pro rata.

If the transferor licensee disputes any claim, the escrow holder shall notify the claimant, and the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 2. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The transfer application shall be accompanied by a description of the entire consideration. Such description shall include a designation of

cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, to the payment of claims for wages, salaries, or fringe benefits of employees of the seller or transferor earned or accruing prior to the sale, transfer, or opening of an escrow for the sale thereof;

Second, to the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Third, to the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Fourth, to the payment of claims on mechanics' liens;

Fifth, to the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Sixth, to the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises and the payment of claims for services rendered, performed, or supplied in connection with the operation of the licensed business.

Seventh, to the payment of all other claims. The payment of these claims if sufficient assets are not available for the payment of the claim in full shall be paid pro rata.

If the transferor licensee disputes any claim he shall present to the escrow holder a statement under oath giving the reason for the dispute. The escrow holder shall promptly mail a copy of the statement of dispute to the claimant, and shall retain the claimant's share of the escrow fund for a period of 30 days from the date of mailing of said statement of dispute. If the claimant, within said period, shall file suit on his claim against the transferor licensee, verifying the complaint, and either cause a writ of attachment to be levied on the escrow holder or furnish the latter with a certified copy of the complaint, then the escrow holder shall retain the claimant's share of the escrow fund until the dispute is adjudicated or settled. If claimant fails to take such action, then his share of the escrow fund shall be distributed to other claimants in accordance with this section, or if they are fully satisfied, to the transferor licensee.

The escrow agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 819 are both chaptered and amend Section 24074 of the

Business and Professions Code, and this bill is chaptered after Senate Bill No. 819, that the amendments to Section 24070 proposed by both bills be given effect and incorporated in Section 24074 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 819 are both chaptered, both amend Section 24074, and Senate Bill No. 819 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1001

An act to add Sections 789.8, 789.9, and 2983.8 to the Civil Code, relating to mobilehomes.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 789.8 is added to the Civil Code, to read:

789.8. There shall be no entry charge as a condition of tenancy in a mobilehome park, nor shall there be any transfer or selling fee as a condition of sale of a mobilehome within a mobilehome park, even if such mobilehome is to remain within the park, if the park management performs no service in the sale of the mobilehome.

SEC. 2. Section 789.9 is added to the Civil Code, to read:

789.9. The management of a mobilehome park shall provide tenants with the language of Sections 789.5, 789.6, 789.7, and 789.8 in written form either included within the rules and regulations of the park or in the rental agreement.

SEC. 3. Section 2983.8 is added to the Civil Code, to read:

2983.8. Notwithstanding Section 2983.2 or any other provision of law, no deficiency judgment shall lie in any event after any sale of any mobilehome for which a permit is required pursuant to Section 35780 or 35790 of the Vehicle Code for failure of the purchaser to complete his conditional sale contract given to the seller to secure payment of the balance of the purchase price of such mobilehome. The provisions of this section shall not apply in the event there is substantial damage to the mobilehome other than wear and tear from normal usage. This section shall apply only to contracts entered into on or after the effective date of this section.

CHAPTER 1002

An act to add Section 6012.7 to the Revenue and Taxation Code, relating to the Sales and Use Tax Law.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 6012.7 is added to the Revenue and Taxation Code, to read:

6012.7. (a) For the purposes of this part, "gross receipts" from the sale of factory-built housing, and the "sales price" of factory-built housing, sold or stored, used, or otherwise consumed in this state shall be 40 percent of the sales price of the factory-built housing to the consumer.

(b) For purposes of this section, "factory-built housing" includes:

(1) A residential building, dwelling unit or an individual dwelling room or combination of rooms thereof, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with regulations adopted by the Commission of Housing and Community Development of the State of California pursuant to Section 19990 of the Health and Safety Code or in accordance with applicable local building requirements if such factory-built housing is inspected and approved by the local enforcement agency at the place of, and during the time of, manufacture.

(2) "Modular housing," which is a three-dimensional box or cube-shaped structure or structures making up one or more rooms of a residential building.

(3) "Sectionalized housing," which generally consists of two modules which form a total living unit.

(4) "Modular," "utility," or "wet cores," which are three-dimensional habitable rooms or modules and which are generally comprised of a kitchen or a bathroom or bathrooms.

(c) For purposes of this section, "factory-built housing" does not include:

(1) A "mobilehome," as defined in Section 18008 of the Health and Safety Code.

(2) "Precut housing packages" where more than 50 percent of the package consists of precut lumber only.

(3) "Panelized construction," such as walls or components that may become one or more rooms of a building, unless a complete housing package is provided by the builder or manufacturer, such as by providing wall panels, floors, and a roof which will form a complete housing structure.

(4) "Porches" or "awnings" which are not purchased as a part of the original housing package.

SEC. 2. The Legislative Analyst shall report to the Legislature on or before October 1, 1976, on the net revenue effect of Section 1 of this act, which shall include, but not be limited to, the reduction in sales tax revenue, the increase in economic activity by the factory-built housing, including any multiplier effect, and the increase in tax revenue due to such activity.

SEC. 3. The provisions of this act shall become operative on the first day of the first calendar quarter commencing more than 60 days after the effective date of this act to December 31, 1977, inclusive, and after that date shall have no further force or effect.

CHAPTER 1003

An act to amend Sections 1471, 1472, 1473, and 1474 of, to amend and renumber Sections 1475 and 1476 of, and to add Section 1475 to, the Unemployment Insurance Code, and to repeal Section 5 of Chapter 1815 of the Statutes of 1971, relating to unemployment benefits, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1471 of the Unemployment Insurance Code is amended to read:

1471. Except as provided in this chapter, a state employee shall be eligible for unemployment compensation benefits on the same terms and conditions as are specified by this part, Part 3 (commencing with Section 3501) of this division, and Part 4 (commencing with Section 4001) of this division, for all other individuals. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter pursuant to this chapter. A state employee shall have no rights, based on state wages, to disability benefits under this division.

SEC. 2. Section 1472 of the Unemployment Insurance Code is amended to read:

1472. A state employee may use state wages for benefits under this chapter only with respect to the benefit year established by the first new claim for benefits after his termination from employment with the state. No new claim for benefits under this chapter shall have an effective date beginning earlier than the effective date of this chapter.

SEC. 3. Section 1473 of the Unemployment Insurance Code is amended to read:

1473. As used in this chapter:

(a) "State employee" means an individual who has been employed full time for the previous six consecutive months by the Regents of the University of California or the Trustees of the California State University and Colleges and who (1) receives a written notice of permanent layoff, or a written notice of layoff of more than 120 days in duration, with an effective date on or after March 1, 1971, or (2) terminates his employment or has terminated his employment on or after March 1, 1971, within 30 days after receiving a written notice from his appointing power that he is subject to such layoff, due to a reduction in staff arising from reductions in any budget act, or any other source of funds, other than by scheduled termination. However, nothing in this subdivision shall permit a state employee to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of this part.

(b) "State wages" means all remuneration payable to a state employee for personal services performed as a state employee prior to (1) the effective date of such notice of layoff or (2) 30 days after such employee is notified in writing by his appointing power, as described in subdivision (a), including the reasonable cash value of all remuneration payable in any medium other than cash. Such term shall include all such remuneration paid on and after January 1, 1970.

(c) "State base period" means the period of the last four complete consecutive calendar quarters, and any subsequent complete and partial calendar month or months, immediately preceding the effective date of a new claim for unemployment compensation benefits by a state employee.

(d) "Base period" means the base period defined by Section 1275.

SEC. 4. Section 1474 of the Unemployment Insurance Code is amended to read:

1474. State wages shall be included as wages for the purposes of this part in the base period of a state employee.

SEC. 5. Section 1475 of the Unemployment Insurance Code is amended and renumbered to read:

1476. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages with respect to employment of state employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Section 803, but the additional cost to the Unemployment Fund of the benefits paid based on base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the State Controller or other responsible disbursing officer the amount determined with respect to the State of California. The State Controller or other responsible disbursing officer shall pay to the Unemployment Fund the contributions due from the State of California. The director shall charge to any special fund not funded by any budget act or other state appropriation, which is responsible for the salary of any employee, the amount of additional cost to the Unemployment Fund of the benefits paid with respect to that state employee.

(c) The director may require from each employing unit subject to this chapter employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him. Each employing unit subject to this chapter shall promptly supply the director, upon his request, with a copy of the written notice specified by subdivision (a) of Section 1473.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing unit.

(e) Each employing unit shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of this section, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

SEC. 6. Section 1475 is added to the Unemployment Insurance Code, to read:

1475. If the inclusion of state wages and wages in employment paid during the base period of a state employee does not result in a claim for a maximum benefit amount and a maximum weekly benefit amount under this part, the claim shall be recomputed on the basis of state wages paid to or owing but unpaid to the state employee during his state base period and wages in employment paid to him during that portion of his base period that is included in his state base period. He shall be entitled to an award for his claim for the higher

of the benefit amounts so computed.

SEC. 7. Section 1476 of the Unemployment Insurance Code is amended and renumbered to read:

1477. (a) Sections 1472 and 1475 and subdivision (a) of Section 1473 shall not apply with respect to service included in "employment" pursuant to Section 605.1 or 710.5, nor shall such provisions apply to any new claim for benefits filed with an effective date beginning on or after January 1, 1972, which includes in the base period or state base period any state wages paid with respect to such service.

(b) Subdivision (b) of Section 1473 shall not apply to service performed by any employee who has not been employed full time for the previous six consecutive months by the Regents of the University of California or the Trustees of the California State University and Colleges, and whose service is included in "employment" pursuant to Section 605.1 or 710.5.

(c) Notwithstanding any other provision of this division, this chapter shall not apply to service excluded from "employment" by Section 634.5, unless an election has been made pursuant to Section 710.5 to include such service in "employment."

SEC. 8. The provisions of Section 1474 of the Unemployment Insurance Code as amended by this act shall be operative only with respect to payments made on and after March 4, 1972.

SEC. 9. It is the intent of the Legislature that this act shall take immediate effect regardless of whether Chapter 1815 of the Statutes of 1971 becomes effective pursuant to Section 5 of such Chapter 1815.

SEC. 10. It is the intent of the Legislature that this bill shall be given effect and shall be operative except as provided by this section. It is the intent of the Legislature that if both this bill and Assembly Bill No. 1140 are chaptered, and this bill and Assembly Bill No. 1140 amend Section 1473 of the Unemployment Insurance Code, and this bill amends and rennumbers Section 1475 of the Unemployment Insurance Code and Assembly Bill No. 1140 repeals and adds Section 1475 of the Unemployment Insurance Code, that the provisions of both bills be given effect as follows:

(a) If this bill is chaptered after Assembly Bill No. 1140 is chaptered, the changes in Sections 1473 and 1475 of the Unemployment Insurance Code made by both bills shall be given effect and incorporated in Sections 1473 and 1476 of such code in the form set forth in Sections 3 and 5, respectively, of this bill.

(b) If this bill is chaptered before Assembly Bill No. 1140 is chaptered, the changes made in Sections 1473 and 1475 of the Unemployment Insurance Code by Sections 3 and 5, respectively, of this bill shall become inoperative upon the effective date of Assembly Bill No. 1140.

SEC. 11. There is hereby appropriated from the General Fund to the Department of Human Resources Development the sum of one hundred twenty-five thousand dollars (\$125,000) for the purposes of this act.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Layoffs in state institutions of higher education are imminent. The lack of unemployment benefits for state higher education employees is detrimental to morale, causes a deterioration in the quality and quantity of services, and is a deterrent to the recruitment of qualified candidates for employment. Unless there is prompt adjustment of this serious inequity this area of public service will suffer serious and irreparable harm.

CHAPTER 1004

An act to amend Section 1825 of the Welfare and Institutions Code, relating to the Department of the Youth Authority, and making an appropriation therefor.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the

Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with the approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table, beginning with the 1973-1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustment shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	<u>40-49</u>	<u>50-59</u>	<u>60-69</u>	<u>70-79</u>	<u>80-89</u>	<u>90-100</u>
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880

12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county

chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), a sum of two million dollars (\$2,000,000) is hereby appropriated for the 1972-1973 fiscal year. This sum shall be distributed by the Director of the Youth Authority through the allocation to each participating county of an amount not to exceed 10 percent of the counties' earnings generated in the 1971-1972 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of this article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

In addition, one hundred fifty thousand dollars (\$150,000) is hereby appropriated for the 1972-1973 fiscal year to reimburse each participating county for carrying out program evaluation studies specified by the Director of the Youth Authority. Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1974.

(k) A review of this article shall be made by the Director of the Youth Authority and a report made to the 1974 Legislature by the fifth day of the 1974 Regular Legislative Session.

SEC. 2. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years

of the period, whichever is higher, shall be the base rate for that county, however, if the base rate is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table, beginning with the 1973-1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustment shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	40-49	50-59	60-69	70-79	80-89	90-100
100,000	100,000	100,000	100,000	100,000	100,000	100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080

2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), a sum of two million dollars (\$2,000,000) is hereby appropriated for the 1972-1973 fiscal year. This sum shall be distributed by the Director of the Youth Authority through the allocation to each participating county of an amount not to exceed 10 percent of the counties' earnings generated in the 1971-1972 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of this article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

In addition, one hundred fifty thousand dollars (\$150,000) is hereby appropriated for the 1972-1973 fiscal year to reimburse each participating county for carrying out program evaluation studies specified by the Director of the Youth Authority. Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1974.

(k) A review of this article shall be made by the Director of the

Youth Authority and a report made to the 1974 Legislature by the fifth day of the 1974 Regular Legislative Session.

SEC. 3. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate for those counties not utilizing Section 1825.7 is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table,

beginning with the 1973-1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustment shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	<u>40-49</u>	<u>50-59</u>	<u>60-69</u>	<u>70-79</u>	<u>80-89</u>	<u>90-100</u>
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without

the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), a sum of two million dollars (\$2,000,000) is hereby appropriated for the 1972-1973 fiscal year. This sum shall be distributed by the Director of the Youth Authority through the allocation to each participating county of an amount not to exceed 10 percent of the counties' earnings generated in the 1971-1972 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of this article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

In addition, one hundred fifty thousand dollars (\$150,000) is hereby appropriated for the 1972-1973 fiscal year to reimburse each

participating county for carrying out program evaluation studies specified by the Director of the Youth Authority. Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1974.

(k) A review of this article shall be made by the Director of the Youth Authority and a report made to the 1974 Legislature by the fifth day of the 1974 Regular Legislative Session.

SEC. 4. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per 100,000 population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county, however, if the base rate for those counties not utilizing Section 1825.7 is lower than 40 commitments per 100,000 population, the rate shall be established at 40, and if the rate is higher than 100, the rate shall be established at 100. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under Section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table, beginning with the 1973-1974 fiscal year, to reflect changes in the Consumer Price Index established by the U.S. Department of Labor and given a weighted average for California by the California Department of Industrial Relations. The first adjustment shall use the December 1971 index as the base. Payments per uncommitted case shall in any event not exceed the average annual per capita cost of maintaining wards in Youth Authority institutions.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	<u>40-49</u>	<u>50-59</u>	<u>60-69</u>	<u>70-79</u>	<u>80-89</u>	<u>90-100</u>
	100,000	100,000	100,000	100,000	100,000	100,000
0 percent	—	—	—	—	—	—
1 percent	\$2,285	\$2,180	\$2,135	\$2,105	\$2,085	\$2,080
2 percent	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	3,825	3,680

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22 percent	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000
Over						
25 percent	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next two succeeding fiscal years and may be paid to the county in quarterly installments during such fiscal years upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code, except that funds obtained under this article may be used by a county that has not established a juvenile home, ranch or camp to pay for its juvenile home, ranch or camp placements in other counties.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year

exceed by 5 percent its own base rate.

(j) As a supplement to earnings received by counties pursuant to subdivision (d), a sum of two million dollars (\$2,000,000) is hereby appropriated for the 1972-1973 fiscal year. This sum shall be distributed by the Director of the Youth Authority through the allocation to each participating county of an amount not to exceed 10 percent of the counties' earnings generated in the 1971-1972 fiscal year. This special allocation may be used, notwithstanding the provisions of Section 1821 or any other section of this article, for the diagnosis, control, or treatment of offenders or alleged offenders by local law enforcement agencies in the county, subject to standards, rules, and regulations established by the Director of the Youth Authority.

In addition, one hundred fifty thousand dollars (\$150,000) is hereby appropriated for the 1972-1973 fiscal year to reimburse each participating county for carrying out program evaluation studies specified by the Director of the Youth Authority. Each county participating in these studies shall be required to enter into a contractual agreement with the state. Such agreement shall specify the maximum amount each county shall be reimbursed.

No county shall share in any additional funds appropriated by this subdivision unless it enters into an agreement with the state to provide such evaluation or is granted an exemption by the Youth Authority.

The provisions of this subdivision shall be terminated on June 30, 1974.

(k) A review of this article shall be made by the Director of the Youth Authority and a report made to the 1974 Legislature by the fifth day of the 1974 Regular Legislative Session.

SEC. 5. It is the intent of the Legislature that if this bill and Senate Bill No. 160 or Senate Bill No. 549, or both, are chaptered and amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 160 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Senate Bill No. 549 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 160, the amendments proposed by both bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 2 of this act. Therefore, if Senate Bill No. 160 is chaptered before this bill and both bills amend Section 1825, and Senate Bill No. 549 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(b) If this bill and Senate Bill No. 549 are both chaptered and amend Section 1825 of the Welfare and Institutions Code, but Senate Bill No. 160 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 549, the

amendments proposed by both bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 3 of this act. Therefore, if Senate Bill No. 549 is chaptered before this bill and both bills amend Section 1825, and Senate Bill No. 160 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(c) If this bill and Senate Bill No. 160 and Senate Bill No. 549 are all chaptered, and all three bills amend Section 1825 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 160 and Senate Bill No. 549, the amendments proposed by all three bills shall be given effect and incorporated in Section 1825 in the form set forth in Section 4 of this act. Therefore, if Senate Bill No. 160 and Senate Bill No. 549 are both chaptered before this bill and all three bills amend Section 1825 of the Welfare and Institutions Code, Section 4 of this act shall be operative and Sections 1, 2 and 3 of this act shall not become operative.

CHAPTER 1005

An act to add Article 6 (commencing with Section 53100) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local emergency telephone systems, and making an appropriation therefor.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 53100) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6. Local Emergency Telephone Systems

53100. The Legislature hereby finds and declares that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid. There currently exist thousands of different emergency phone numbers throughout the state, and present telephone exchange boundaries and central office service areas do not necessarily correspond to public safety and political boundaries. Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public service efforts by making it less difficult to quickly notify public safety personnel. Such a simplified means of procuring emergency services will result in the saving of

life, a reduction in the destruction of property, quicker apprehension of criminals, and ultimately the saving of money. The Legislature further finds and declares that the establishment of a uniform, statewide emergency number is a matter of statewide concern and interest to all inhabitants and citizens of this state. It is the purpose of this act to establish the number "911" as the primary emergency telephone number for use in this state and to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone number "911" seeking police, fire, medical, rescue, and other emergency services.

53101. "Public agency," as used in this article, means the state, and any city, county, city and county, municipal corporation, public district, or public authority located in whole or in part within this state which provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services.

53102. "Public safety agency," as used in this article, means a functional division of a public agency which provides firefighting, police, medical, or other emergency services.

53103. "Direct dispatch method," as used in this article, means a telephone service providing for the dispatch of an appropriate emergency service unit upon receipt of a telephone request for such services and a decision as to the proper action to be taken.

53104. "Relay method," as used in this article, means a telephone service whereby pertinent information is noted by the recipient of a telephone request for emergency services, and is relayed to appropriate public safety agencies or other providers of emergency services for dispatch of an emergency service unit.

53105. "Transfer method," as used in this article, means a telephone service which receives telephone requests for emergency services and directly transfers such requests to an appropriate public safety agency or other provider of emergency services.

53106. "Referral method," as used in this article, means a telephone service which, upon the receipt of a telephone request for emergency services, provides the requesting party with the telephone number of the appropriate public safety agency or other provider of emergency services.

53107. "Basic system," as used in this article, means a telephone service which automatically connects a person dialing the digits "911" to an established public safety answering point through normal telephone service facilities.

53108. "Sophisticated system," as used in this article, means a basic system with the additional capability of automatic identification of the caller's number, holding the incoming call, reconnection on the same telephone line, clearing a telephone line, or automatic call routing or combinations of such capabilities.

53108.5. "Communications Division," as used in this article, means the Communications Division of the Department of General

Services.

53109. Every local public agency within its respective jurisdiction shall establish and have in operation by December 31, 1982, a basic or sophisticated system as specified in this article.

The establishment of such systems shall be centralized to the extent feasible. Nothing in this article shall be construed to prohibit or discourage in any way the formation of multijurisdictional or regional systems, and any system established pursuant to this article may include the territory of more than one public agency or may include a segment of the territory of a public agency.

53110. Every system shall include police, firefighting, and emergency medical and ambulance services, and may include other emergency services, in the discretion of the affected local public agency, such as poison control services, suicide prevention services, and civil defense services. The system may incorporate private ambulance service. In those areas in which a public safety agency of the state provides such emergency services, the system shall include such public safety agencies.

53111. The digits "911" shall be the primary emergency telephone number within the system, but a public agency or public safety agency may maintain a separate secondary backup number, and shall maintain a separate number for nonemergency telephone calls.

53112. All systems shall be designed to meet the specific requirements of each community and public agency served by the system. Every system, whether basic or sophisticated, shall be designed to have the capability of utilizing at least three of the methods specified in Sections 53103 to 53106, inclusive, in response to emergency calls. The Legislature finds and declares that the most critical aspect of the design of any system is the procedure established for handling a telephone request for emergency services.

In addition, to maximize efficiency and utilization of the system, all pay telephones within each system shall, by December 31, 1982, enable a caller to dial "911" for emergency services without the necessity of inserting a coin.

53113. The Legislature finds that, because of overlapping jurisdiction of public agencies, public safety agencies, and telephone service areas, a general overview or plan should be developed prior to the establishment of any system. In order to insure that proper preparation and implementation of such systems is accomplished by all public agencies by January 1, 1982, the Communications Division, with the advice and assistance of the Attorney General, shall secure compliance by public agencies as provided in this article.

53114. The Communications Division, with the advice and assistance of the Attorney General, shall coordinate the implementation of systems established pursuant to the provisions of this article. The Communications Division, with the advice and assistance of the Attorney General, shall assist local public agencies and local public safety agencies in obtaining financial help to

establish emergency telephone service, and shall aid such agencies in the formulation of concepts, methods, and procedures which will improve the operation of systems required by this article and which will increase cooperation between public safety agencies.

53114.1. To accomplish the responsibilities specified in this article, the Communications Division is directed to consult at regular intervals with the State Fire Marshal, the State Department of Public Health, the Governor's Office of Traffic Safety, the Office of Emergency Services, the California Council on Criminal Justice, the public utilities in this state providing telephone service, the Associated Public Safety Communications Officers, the Bureau of Emergency Medical Service, the California Highway Patrol, and the State Division of Forestry. Such agencies shall provide all necessary assistance and consultation to the Communications Division to enable it to perform its duties specified in this article.

53114.2. Technical and operational standards for the development of the local agency systems shall be established and reviewed by the Communications Division on or before December 31, 1973, after consultation with all agencies specified in Section 53114.1.

53115. (a) On or before January 31, 1975, all public agencies shall submit tentative plans for the establishment of a system required by this article to the public utility or utilities providing public telephone service within the respective jurisdiction of each public agency. A copy of each such plan shall be filed with the Communications Division.

(b) On or before January 31, 1977, all public agencies shall submit final plans for the establishment of the system to such utilities, and shall make arrangements with such utilities for the implementation of the planned emergency telephone system no later than December 31, 1982. A copy of the plan required by this subdivision shall be filed with the Communications Division.

(c) If any public agency has implemented or is a part of a system required by this article on a deadline specified in subdivision (a) or (b), such public agency shall submit in lieu of the tentative or final plan a report describing the system and stating its operational date.

(d) Plans filed pursuant to subdivisions (a) and (b) shall conform to minimum standards established pursuant to Section 53114.2.

53116. The Attorney General may, in behalf of the Communications Division or on his own initiative, commence judicial proceedings to enforce compliance by any public agency or public utility providing telephone service with the provisions of this article.

53117. (a) On or before February 16, 1975, and again on or before February 16, 1977, the Communications Division shall report to the Legislature the progress in the implementation of systems required by this article. Such reports shall contain his recommendations for additional legislation.

(b) In December of 1973 and in December of 1974 the

Communications Division, with the advice and assistance of the Attorney General, shall submit recommendations to the Department of Finance and to the Governor specifying amounts necessary to further implement the organization of telephone systems specified in this article during the succeeding fiscal year. The report specified in this subdivision shall contain, in addition, an estimate of the fiscal impact to local public agencies which will be caused by implementation of the provisions of this article.

53118. The Legislature declares that a major purpose in enacting this article is to eliminate instances in which a responding emergency service refuses to render aid to the requester because the requester is outside of the jurisdictional boundaries of the emergency service. Therefore, in implementing systems pursuant to this article, all public agencies in a single system shall annually enter into a joint powers agreement or any other form of written cooperative agreement which is applicable when need arises on a day-to-day basis. In addition, such agreements shall be entered into between public agencies and public safety agencies which are part of different systems but whose jurisdictional boundaries are contiguous. The agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, such unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

53119. Copies of the annual agreement required by Section 53118 shall be filed with the Attorney General and the Communications Division. Commencing with the year 1983, all such agreements shall be so filed prior to the 31st day of January. The Attorney General shall commence judicial proceedings to enforce compliance with the provisions of this section and Section 53118, where a public agency or public safety agency has failed to timely enter into such agreement or file copies thereof.

53120. During the 1975 Regular Session, the Legislature, after reviewing all reports required by this article to be submitted on or before February 16, 1975, will enact legislation providing such subvention as it deems adequate to enable local public agencies to implement systems required by the provisions of this article. If the Legislature fails to enact such legislation during the 1975 Regular Session, then the provisions of this article shall become and remain inoperative until such legislation is enacted. The dates specified for the submission of any plan or report, the implementation of a system, or the performance of any other duty, required by the provisions of this article to be performed after 1975 shall be respectively postponed by the number of years elapsing between 1975 and the year in which the Legislature enacts such subvention legislation. It is the intent of the Legislature that, if legislation providing necessary subvention to local public agencies to carry out the requirements of this article is enacted after the 1975 Regular Session of the Legislature, then the time schedules specified in this article shall be advanced by the number of years required for the Legislature to

subsequently enact such legislation; the days and months specified for the submission of any plan or report, the implementation of a system, or the performance of any other duty shall, however, remain the same despite the change in year.

SEC. 2. There is hereby appropriated to the Department of General Services from the General Fund the sum of thirty-five thousand dollars (\$35,000) for the 1972-73 fiscal year to carry out the purposes of this act.

CHAPTER 1006

An act relating to the acquisition of beach lands by the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated from the Bagley Conservation Fund to the Department of Parks and Recreation for the purpose of conducting an appraisal of the value of the estimated 2½-mile stretch of ocean frontage which is presently under private ownership within the city limits of Huntington Beach, for acquisition by the state.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The public health and welfare require the acquisition by the state for recreational purposes of the privately owned 2½-mile stretch of Huntington Beach at the earliest possible time. This act would provide for the required appraisal of such lands in order to permit their acquisition by the state. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 1007

An act to amend Section 4600 of the Civil Code, and to amend Section 1408 of the Probate Code, relating to child custody.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4600 of the Civil Code is amended to read:

4600. In any proceeding where there is at issue the custody of a minor child, the court may, during the pendency of the proceeding or at any time thereafter, make such order for the custody of such child during his minority as may seem necessary or proper. If a child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody, the court shall consider and give due weight to his wishes in making an award of custody or modification thereof. Custody should be awarded in the following order of preference:

- (a) To either parent according to the best interests of the child.
- (b) To the person or persons in whose home the child has been living in a wholesome and stable environment.
- (c) To any other person or persons deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

Before the court makes any order awarding custody to a person or persons other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interests of the child. Allegations that parental custody would be detrimental to the child, other than a statement of that ultimate fact, shall not appear in the pleadings. The court may, in its discretion, exclude the public from the hearing on this issue.

SEC. 2. Section 1408 of the Probate Code is amended to read:

1408. As between parents claiming the guardianship adversely to each other, neither is entitled to priority.

SEC. 3. The amendments made by this act shall not be construed to affect any judgment or order made prior to the effective date of this act.

CHAPTER 1008

An act to amend Section 24755.1 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 24755.1 of the Business and Professions Code is amended to read:

24755.1. No criminal penalties shall be imposed on any licensee for a violation of the provisions of Section 24755. For every such violation committed during 36 consecutive months, the department, in its discretion, may impose a monetary penalty or suspend or revoke a license as follows:

For the first violation, two hundred fifty dollars (\$250) or a suspension not to exceed 10 days; for the second violation, one thousand dollars (\$1,000) or a suspension not to exceed 30 days; for the third and subsequent violations, one thousand dollars (\$1,000) or a suspension or revocation. The monetary penalties herein provided shall be due and payable by the licensee to the General Fund not later than 30 days from the date the department rendered its decision imposing such a penalty. Should the licensee appeal a decision of the department imposing a monetary penalty, he shall either pay the amount of the penalty under protest or execute a surety bond in the amount of the penalty. The surety bond shall be executed by the licensee as principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure in this state as surety, payable to the General Fund at such time as the final decision is rendered affirming the department's decision imposing the monetary penalty. If the final decision should reverse the decision of the department, the penalty paid by the licensee under protest shall be returned to him with interest at the rate of 6 percent per annum or the surety bond executed by the licensee terminated. The license of a licensee against whom the department has imposed the monetary penalty and who has refused to pay the penalty for each violation under protest or execute a surety bond as herein provided shall be automatically suspended and shall remain suspended until such time as the licensee either pays the penalty under protest or executes the surety bond as herein provided.

Each sale in violation of Section 24755 shall constitute a separate violation.

CHAPTER 1009

An act to add Article 1.7 (commencing with Section 25544) to Chapter 5 of Division 18.5 of the Education Code, relating to community colleges.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.7 (commencing with Section 25544) is added to Chapter 5 of Division 18.5 of the Education Code, to read:

Article 1.7. Auxiliary Organizations

25544. The governing board of any school district maintaining a community college may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of students, as determined by the governing

board, and which are not provided by the general fund of the district. Such services and programs shall be consistent with the purposes of the college and shall conform with the policies and regulations of the governing board. Commercial services operated by an auxiliary organization shall be self-supporting. Nothing in this article shall be construed as granting to any auxiliary organization any power which exceeds any power of a governing board of a school district maintaining a community college.

25544.1. Auxiliary organizations formed pursuant to this article may be incorporated under the laws of the State of California. Each auxiliary organization so organized shall have a board of directors whose size and membership shall be established by the governing board of the district. Each board of directors shall hold at least one business meeting in each fiscal year.

No member of the board of directors shall be financially interested in any contract or other transaction entered into by the board of directors.

25544.2. The governing board of the district may establish a fund for each auxiliary organization into which proceeds derived from the operation of the organization or from fees, sales, grants, contracts, bequests, trusts, or gifts shall be deposited. Moneys from such sources shall be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of United States securities pursuant to subdivision (a) of Section 16430 of the Government Code.

25544.3. Any employee, not a student or substitute employee, employed by an auxiliary organization shall be a member of the classified service of the district.

25544.5. The board of directors of each auxiliary organization shall have prepared annually a budget which shall be submitted to the governing board of the district for approval.

25544.6. Funds established under this article shall be audited pursuant to Section 17206.

CHAPTER 1010

An act to amend Sections 13813, 13824.5, 13828.4, 13840, 13846.5, 13885, 13886, 13891, 13940, 13994, 13996, 13999, 14000, 14020, 14022, 14023, 14028, 14030, 14036, 14040, 14060, 14061, 14073, 14080.2, 14083, 14154, 14182, 14189, 14190, 14211, 14217, 14218, 14223.5, 14227, 14398, and 16626 of, to amend Sections 14134.4 and 14134.5, as added by

Chapter 361 of the Statutes of 1972, of to amend the heading of Article 20 (commencing with Section 14210) of Chapter 4 of Division 10 of, to amend and renumber Section 13835 of, to add Sections 13835, 13835.1, 13862, 13863, 13864, 14030.5, 14115, 14210.1, 14220.1, 14223, 14241.1, 14243.5, 14281.1, 14394.1, and 14405 to, to repeal and add Article 24 (commencing with Section 14300) to Chapter 4 of Division 10 of, to repeal Sections 14112.1, 14122, 14188, 14216, 14223, 14264, 14399, 14400, and 14401 of, the Education Code, and to amend Section 11126 of the Government Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13813 of the Education Code is amended to read:

13813. The revision of the State Teachers' Retirement Law, including this section, enacted at the 1971 and 1972 Regular Sessions of the Legislature, shall not be construed to affect benefits of persons retired prior to July 1, 1972, or their beneficiaries, except as specifically provided.

SEC. 1.5. Section 13824.5 of the Education Code, as added by Chapter 1305 of the Statutes of 1971, is amended to read:

13824.5. "Annual salary" means salaries earned during a school year excluding salaries for overtime service. For purposes of determining the amount of survivor benefits under Section 14186 and disability benefits under Section 14260, salary shall include any disability or survivor benefits that are part of a grant established and paid monthly to the teacher or his dependents prior to the teacher's death or disability.

SEC. 2. Section 13828.4 of the Education Code is amended to read:

13828.4. "Benefits" means any monthly payment due a retirant, disabilitant or other beneficiary, and includes lump sum payments due on account of death.

SEC. 3. Section 13835 of the Education Code is amended and renumbered to read:

13835.2. "Disability" or "disabled" means any medically determinable physical or mental impairment which can be expected to be of long, continued and indefinite duration which prevents a member from performing his usual duties for his employer; or the duties of a position of comparable level for which he is qualified by education, training and experience, and excludes any condition resulting from willful, self-inflicted injury.

SEC. 4. Section 13835 is added to the Education Code, to read:

13835. "Disabilitant" is a member of this system receiving a

disability allowance.

SEC. 5. Section 13835.1 is added to the Education Code, to read:

13835.1. "Disability allowance" means the benefit being paid by this system to a disabilitant.

SEC. 6. Section 13840 of the Education Code is amended to read:

13840. "Local system" means any retirement system, exclusive of this system, for the retirement of teachers, or for membership or coverage which for this purpose is equivalent to membership, in which public school teachers are eligible, operated by a city, city and county, county, or other political subdivision of the state.

SEC. 7. Section 13846.5 of the Education Code is amended to read:

13846.5. "Projected earned salary" means a 2 percent increase compounded annually applied to the highest annual salary earned by the member during any one of the three school years immediately preceding death, or disability and projected to the June 30th prior to age 60 from the July 1st of the year of death or disability.

SEC. 8. Section 13862 is added to the Education Code, to read:

13862. "Plan vesting" means the rights of the member upon completion of the minimum number of required years of credited service provided in the retirement plan to entitle the member or his beneficiary to a monthly retirement allowance, disability allowance, survivor, family or death benefit at a future date, prior to the completion of which the member upon resignation from service is entitled only to a refund of his accumulated contributions as provided in this chapter.

SEC. 9. Section 13863 is added to the Education Code, to read:

13863. "Provisional vesting" means the right of the member upon the completion of the minimum number of years of credited service and attainment of the minimum specified age after which the member may retire at any time and be entitled to receive a monthly retirement allowance.

SEC. 10. Section 13864 is added to the Education Code, to read:

13864. "Final vesting" means the right of a member or a beneficiary to receive a monthly retirement allowance, disability allowance, or a family benefit when the member has completed the minimum number of years of credited service, has attained the minimum specified age, has formally terminated his active service, has made application for retirement, or has been formally retired in accordance with Section 13849, after which the kind and amount of the retirement allowance is fixed and cannot thereafter be changed except as provided in this chapter.

SEC. 11. Section 13885 of the Education Code is amended to read:

13885. The board may take such action as it deems necessary to insure the continued right of retirants, disabilitants or beneficiaries of members or retirants, to receive monthly payments.

SEC. 12. Section 13886 of the Education Code is amended to read:

13886. The board may in its discretion hold a hearing for the purpose of determining any question presented to it involving any

right, benefit or obligation of a person under this chapter.

When a hearing is held, the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative adjudication and the board shall have all of the powers granted therein. The provisions of Section 11508 of the Government Code relating to the location of the hearing shall not apply however and the hearing shall be held at such time and place as may be determined by the board.

SEC. 13. Section 13891 of the Education Code is amended to read:

13891. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total accumulated contributions of members, exclusive of accumulated tax-sheltered contributions.

(b) All other accumulated contributions in the Permanent Fund, reserved for the payment of survivor allowances.

(c) The total accumulated annuity deposits of members.

(d) The total accumulated revenue for retired teachers less payments made.

(e) The total contributions of the state.

(f) The total accumulated tax-sheltered contributions of members.

(g) The total contributions of the employer.

SEC. 14. Section 13940 of the Education Code is amended to read:

13940. All persons who were members of the California State Teachers' Retirement System on June 30, 1944, are members of the system.

SEC. 15. Section 13994 of the Education Code is amended to read:

13994. A member may elect to receive credit for time during which he serves in the active military service of the United States or of this state including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross performed prior to September 10, 1957, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States government, if he was employed in a status requiring membership, or in a status, time served in which is included in this chapter, within one year prior to entering such service.

Time during which a member for other cause is absent without compensation, on leave or otherwise, shall not be included.

Time included under this section shall be considered as served in the state in which the member was last employed before entering such service.

SEC. 16. Section 13996 of the Education Code is amended to read:

13996. A member shall receive credit for time during which he is excluded from membership because of membership in any other

retirement system and during which he serves in a status requiring membership in this system or its predecessors, if he subsequently ceases to be a member of, and ceases to be entitled to benefits from, the other requirement system and becomes a member of this system.

Such credit shall not be given if the member may redeposit withdrawn contributions in any other retirement system.

SEC. 17. Section 13999 of the Education Code is amended to read: 13999. Every person who was a member or retirant of the California State Teachers' Retirement System on June 30, 1944, may elect to receive credit for time served outside this state prior to July 1, 1944, as follows:

(a) Credit for time served in a status which in this state requires membership, in other states of the United States and its territories and possessions and in Canada.

(b) Credit for time served in teaching positions in publicly supported and publicly administered universities or colleges in the United States and its territories and possessions and in Canada.

(c) Credit for time served in teaching positions in schools supported and administered by the United States government.

(d) Credit for time served as a physiotherapist during World War I in the Medical Department of the United States Army; provided, he was employed in a position requiring membership in this system within one year prior to entering such service.

(e) Credit for time served in publicly supported residential schools for the deaf and blind outside this state and credit for time served in the California School for the Deaf or the California School for the Blind, or in special classes maintained by the public schools of this state for the instruction of the deaf, the hard of hearing, the blind, or the semisighted.

SEC. 18. Section 14000 of the Education Code is amended to read: 14000. A member may elect to receive credit for time served in publicly supported and administered schools in other states of the United States and its territories and possessions and in Canada as a teacher of children who are deaf or blind or both deaf and blind if the member fulfills all of the following conditions:

(a) He is credited with at least 10 years of service in this state as a teacher of children who are both deaf and blind.

(b) Within five years immediately preceding the date when he became a member of this system he served at least one year in publicly supported and administered schools in other states of the United States, its territories and possessions, or in Canada, as a teacher of children who were both deaf and blind.

(c) He was a member of this system on October 1, 1959.

SEC. 19. Section 14020 of the Education Code is amended to read: 14020. Contributions made by a member shall be credited to his individual account by the board.

Interest shall be credited to his individual account on the accumulated contributions therein, excluding member accumulated contributions while being paid as benefits under the provisions of

Section 14186 or 14260, at rates declared from time to time by the board.

SEC. 20. Section 14022 of the Education Code is amended to read:

14022. Each member who retires or on whose account a disability allowance or family benefit is payable is required to have contributed to the Permanent Fund at the following rates for the service credited to him under the system:

(a) Twelve dollars (\$12) for each year of service prior to July 1, 1935, but contributions shall not be required for more than 30 years of service performed prior to July 1, 1935.

(b) Twenty-four dollars (\$24) for each year of service from July 1, 1935, to July 1, 1944.

(c) Sixty dollars (\$60) for each year of service after July 1, 1944, and prior to July 1, 1972.

SEC. 21. Section 14023 of the Education Code is amended to read:

14023. Any person to whom service performed outside of the state after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the system or its predecessor or who is excluded from the system because of being a member of another retirement system while serving in a position requiring membership in this system or its predecessor, and who later becomes subject to its provisions may elect to pay, in addition to the sum due under Section 14022 for each year of credited service performed prior to July 1, 1944, either outside the state or while exempt or while a member of any other system, plus regular interest on the amount which would have been contributed had he been a member of the system when the service was performed. Regular interest shall begin to accrue on the first day of July next following the end of the school year in which the service was performed.

SEC. 22. Section 14028 of the Education Code is amended to read:

14028. Members' contributions to the Retirement Annuity Fund for service credited after June 30, 1944, and prior to July 1, 1972, shall be in the amounts required based on percentage rates of contribution applicable for the years included in such period. If such contributions are not paid prior to the effective date of retirement, disability or death, payment shall be made in a lump sum or in such amounts as the board may specify under authority granted by Section 14060.

SEC. 23. Section 14030 of the Education Code is amended to read:

14030. If at the time of retirement, disability or death, there are contributions remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit, the board shall refund to the member accumulated contributions as it may allocate to such time.

SEC. 24. Section 14030.5 is added to the Education Code, to read:

14030.5. If a member of a local retirement system transfers to the State Teachers' Retirement System as a member of the local system, and has accumulated contributions in his account in excess of those required by the State Teachers' Retirement System, the excess

amount shall be refunded unless the individual makes application to have the excess amount credited to his (a) individual account in the Annuity Deposit Fund, or (b) member's account established under Chapter 91 of the Statutes of 1972.

Such application shall be submitted to the Los Angeles City Unified School District or the Los Angeles Community College District within 30 days of notification of the amount of excess contributions.

SEC. 25. Section 14036 of the Education Code is amended to read:

14036. Persons who have been excluded from membership under Section 13963, 13964, 13965, or 13966, and school nurses excluded under Section 13968, who subsequently become members shall receive credit for the service performed while so excluded provided they elect to pay, and pay, prior to retirement or payment of a disability allowance, whichever occurs first, and in a manner provided by the board, contributions with respect to such service with regular interest.

Such contributions shall be equal to what they would have been had they not been excluded from membership but calculated at the rate of contribution first applicable to them as members, or upon their reentry to membership.

The provisions of this section shall not apply to service as a school nurse during which time the person was a member of the Public Employees' Retirement System and was excluded from membership in this system under Section 13968.

SEC. 26. Section 14040 of the Education Code is amended to read:

14040. Except as otherwise provided in this article a member of the system who elects to receive pay for credit for military or Red Cross service under Section 13994 shall pay such amounts as may be necessary, when added to contributions for the Permanent and Retirement Annuity Funds, deducted by the employer during his absence, to make his contributions to the Permanent Fund and to the Retirement Annuity Fund, equal to the contributions he would have made had he not been absent from service. The contributions made shall be remitted to the board and administered by the board in the same manner as contributions deducted from salary payments. If the member was not employed in a status requiring membership at the time he entered the military service or said auxiliaries thereof, or the service of the Red Cross, his contributions to and his benefits from the Retirement Annuity Fund for such service shall be based upon the salary he was receiving prior to entering military service or an auxiliary thereof, or the service of the Red Cross.

SEC. 27. Section 14060 of the Education Code is amended to read:

14060. If more or less than the correct amount of the contributions is paid with respect to any salary payment, including salary payments to exchange teachers for service outside of this state, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member and the employing

agency or the board. Adjustments to correct any other errors in payments to or by the board may be made in the same manner.

If the board determines that an amount is due the system from a person who has retired, is receiving a disability allowance or died, including one who has applied for retirement or disability allowance but has not received his first benefit check and that the person is unable to pay the amount due, the board may withhold all or part of subsequent payments due the member, or due on his account, until the amounts so withheld equal the amount due plus interest at the rate in use by the system.

Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoff by the State Board of Control, shall be debited or credited, as the case may be, to the appropriate reserve.

SEC. 28. Section 14061 of the Education Code is amended to read:

14061. Any overpayments made to or for the decedent either in the form of benefits, contributions or payments made to the Federal Internal Revenue Service, Franchise Tax Board, or insurance companies and not recovered prior to the, or following the, demise of the decedent shall be recovered from any death benefit that may be paid by the system.

SEC. 29. Section 14073 of the Education Code is amended to read:

14073. If a member ceases to be entitled to credit for service in this system because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States government, or any state government or political subdivision thereof, he is entitled to a refund of the accumulated contributions plus contributions paid the Teachers' Permanent Fund prior to July 1, 1944, and after July 1, 1935, without interest except for such interest as was paid in by the member.

SEC. 30. Section 14080.2 of the Education Code is amended to read:

14080.2. An election pursuant to Section 14080 to redeposit contributions previously withdrawn may be made by a member any time prior to the date of his retirement or payment of disability allowance, whichever occurs first.

If any payment due because of such election is not received at the Sacramento office of the board within 120 days of its due date, the election shall be canceled. Upon such cancellation of election the member's rate of annuity fund contributions shall be determined retroactively as it would have been had the election not been made; any payments made under the election shall be refunded to the member after deducting any retirement annuity fund contributions due because of the adjustment in his rate.

In the event of cancellation of the election the member may at any time prior to the date of his retirement or payment of disability allowance, whichever occurs first, again elect to redeposit contributions previously withdrawn or refunded, in accordance with

Section 14080 and all the laws, rules and regulations pertaining thereto.

A disabliant who elects not to redeposit, after attainment of three years of credited service subsequent to the last disability payment, may at any time prior to the date of subsequent retirement elect to redeposit, pursuant to Section 14080.

SEC. 31. Section 14083 of the Education Code is amended to read:

14083. Any person whose contributions were refunded to him and who has received, or will qualify for the receipt of a retirement allowance from the Public Employees' Retirement System, or from the University of California Retirement System or the Legislators' Retirement System or a local system may elect to redeposit the contributions refunded to him, with regular interest, without being employed in a status requiring membership in this system.

A person who elects to redeposit as provided herein shall not receive credit for service which might otherwise be creditable under the provisions of Section 13999.

SEC. 32. Section 14112.1 of the Education Code is repealed.

SEC. 33. Section 14115 is added to the Education Code, to read:

14115. Employer or state contributions made to the system are to finance the employer obligation for all of the members of the system and, therefore, shall not be credited to the individual accounts of the members of the system. Such contributions shall be held in the reserves of the system to finance the employers' share of the cost of all benefits payable by the system. Under no circumstances shall employer contributions be allocated or awarded to individual members, retirants, or their spouses or beneficiaries.

SEC. 34. Section 14122 of the Education Code is repealed.

SEC. 34.5. Section 14134.4 of the Education Code, as added by Chapter 361 of the Statutes of 1972, is amended to read:

14134.4. The Los Angeles Unified School District shall transfer to the Teachers' Retirement Fund as of July 1, 1972:

(a) An amount equal to the contributions that would have been required had all service prior to July 1, 1972, been performed as a nonlocal member of the State Teachers' Retirement System plus credited interest through June 30, 1972; plus

(b) An amount equal to 8 percent of the employee compensation as provided in Section 13832 for service performed on and after July 1, 1972.

SEC. 34.6. Section 14134.5 of the Education Code, as added by Chapter 361 of the Statutes of 1972, is amended to read:

14134.5. The Los Angeles Unified School District shall also deposit in the Teachers' Retirement Fund an amount equal to 3.2 percent of employee compensation as provided in Section 13832 as the employer's contribution for service performed on July 1, 1972, through June 30, 1973.

SEC. 35. Section 14154 of the Education Code is amended to read:

14154. A member's marriage, divorce, annulment of marriage or the termination of membership constitutes a revocation of his

previous designation of a beneficiary except as provided herein.

Any designation of beneficiary in effect on October 1, 1967, which was filed prior to the occurrence of any of the conditions specified herein is void.

After any revocation or voidance of a beneficiary designation, a member may designate the same or another beneficiary or beneficiaries according to the procedure in Section 14153.

A nomination of beneficiary filed with the system after an interlocutory decree in a dissolution of marriage action has been issued by the court shall continue to be valid after filing of the final decree of the dissolution of marriage.

SEC. 36. Section 14182 of the Education Code is amended to read:

14182. The benefits provided in Section 14180, except as otherwise provided, are payable upon receipt of proof of a member's death which occurred:

(a) While he was employed in a position requiring membership in this system, and was receiving compensation because of such employment, and before the effective date of his retirement or after such date if under the provisions of Section 14281 he is to be considered as an active member at the time of death, or

(b) While the member was disabled, if disability had been continuous from the last day for which compensation was paid to him, or

(c) While he was on a leave of absence without compensation, granted in accordance with the Education Code and for reason other than disability, or military service, or

(d) Within four months after the termination of the member's employment in a position requiring membership in this system; provided, first that death was not included within the provisions of subdivision (b), or

(e) Within six months of his last day of service if an application for retirement was received by the system within four months of his last day of service, provided benefits are not payable under Section 14280.

SEC. 37. Section 14188 of the Education Code is repealed.

SEC. 38. Section 14189 of the Education Code is amended to read:

14189. There shall be deducted from the family benefit any benefits payable to a beneficiary from other public systems, exclusive of benefits payable for reasons other than the same event which caused payment of the family benefit.

SEC. 39. Section 14190 of the Education Code is amended to read:

14190. No person shall be entitled to receive the benefit provided under Section 14186, as it read on June 30, 1972, upon the death of a member if he is qualified to receive this benefit on account of the death of another member. If he would qualify for more than one benefit, except for this section, the benefit to be paid shall be the greater of the amounts which would otherwise be payable.

SEC. 40. The heading of Article 20 (commencing with Section 14210) of Chapter 4 of Division 10 of the Education Code is amended to read:

Article 20. Service or Disability Allowance—General Provisions

SEC. 41. Section 14210.1 is added to the Education Code, to read: 14210.1. A disability shall become effective upon the date designated by the person as the effective date of disability, or upon the day of the month following the last day of service for which salary is payable to the person, whichever is later.

In no event shall the disability become effective or disability allowance begin to accrue earlier than the first day of the month in which the application is received by this system in Sacramento, or earlier than the date upon and continuously after which he is determined to the satisfaction of the board to have been mentally incompetent, or earlier than the date upon and continuously after which the person is determined to the satisfaction of the board to have been disabled.

SEC. 42. Section 14211 of the Education Code is amended to read:

14211. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the board:

(a) Who has attained age 55 years or more and who has at least five years of credited California service, if five of the final six years of credited service have been in this state.

(b) Who is credited with service which is not used as a basis for benefits under any other public retirement system, provided he has attained age 55 and retires concurrently under the Public Employees' Retirement System, or under the University of California Retirement System, or under a local system.

In the calculation of allowances of members who qualify for retirement under subdivision (b) of this section, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service performed in other states of the United States, its territories and possessions or in the Dominion of Canada.

Application for retirement under subdivision (b) may be made at any time, and such applicants are not subject to the provisions of Section 14218.

SEC. 43. Section 14216 of the Education Code is repealed.

SEC. 44. Section 14217 of the Education Code is amended to read:

14217. Failure of a member to complete the documents required for retirement or disability allowance within 180 days after receipt of such application in the office of the board in Sacramento, makes the application null and void.

SEC. 45. Section 14218 of the Education Code is amended to read:

14218. (a) If the last day of a member's service was performed prior to July 1, 1935, he shall have the right to make application for retirement or disability allowance only after performing additional service in a status requiring membership in this system, of not less than two years, after June 30, 1950.

(b) Subdivision (a) of this section shall not be applicable if a

member performed at least three schooldays of service on or after July 1, 1935, and prior to July 1, 1950, even though compensation for such service was not paid out of any public funds, and if such person taught for 15 years or more before July 1, 1935. This provision became effective on November 10, 1969.

(c) Insofar as subdivision (b) of this section creates any rights to a retirement or disability allowance under this chapter, such allowance shall only be payable for periods commencing with the effective date of the addition of subdivision (b) of this section.

SEC. 46. Section 14220.1 is added to the Education Code, to read:

14220.1. The board may require any member receiving a disability allowance, who has not attained the age of 60, to undergo annual medical examination. If the examination, together with other available information, shows to the satisfaction of the board that the member is no longer disabled, his disability allowance shall cease. Should any such member refuse to submit to medical examination, as herein provided, payments to such member under the disability shall be discontinued and all rights of the member in the disability allowance shall be revoked.

SEC. 47. Section 14223 of the Education Code is repealed.

SEC. 48. Section 14223 is added to the Education Code, to read:

14223. Upon cancellation of a retirement or disability allowance, the person's individual account shall be credited with the amount of his accumulated contributions as they were on the effective date of retirement or disability allowance, less the sum of all payments made under subdivision (a) of Section 14240 or Section 14260. The reduction shall not be greater than the total of such accumulated contributions.

Upon the cancellation of a retirement, the person's accumulated annuity deposit and accumulated tax-sheltered annuity contribution accounts shall be credited with the amounts of such contributions as they were on the effective date of retirement less the sum of all payments made under subdivisions (b) and (c) of Section 14240.

SEC. 49. Section 14223.5 of the Education Code is amended to read:

14223.5. Upon cancellation of the retirement allowance which began to accrue prior to July 1, 1972, the person's individual account shall be credited with amounts which are the actuarial equivalents at that time, as based on the disabled life, where retirement had been for disability, or on active life where the retirement had been for service of the annuities being paid from the Retirement Annuity Fund, Permanent Fund and the Annuity Deposit Fund or tax-sheltered contributions. Such credited amounts shall not exceed the amount of his accumulated contributions as they were in those accounts at the date of retirement.

SEC. 50. Section 14227 of the Education Code is amended to read:

14227. A disabilitant may be employed in a position requiring certification qualifications. The employment does not operate to terminate or suspend his disability allowance except as provided in

Sections 14220 and 14220.5, and no deduction shall be made from his salary as contributions to this system.

SEC. 51. Section 14241.1 is added to the Education Code, to read:

14241.1. Persons who are retired under a previously existing local teachers' retirement system who have not retired under the State Teachers' Retirement System for the Permanent Fund benefit prior to July 1, 1972, shall have that Permanent Fund benefit computed under the law in effect on June 30, 1972, whenever they retire in the future.

SEC. 52. Section 14243.5 is added to the Education Code, to read:

14243.5. If a retirant reenters the system as a member and subsequently retires, the minimum retirement allowance is the allowance provided by Section 14243 adjusted for age in accordance with Article 24 (commencing with Section 14300) of this chapter.

SEC. 53. Section 14264 of the Education Code is repealed.

SEC. 54. Section 14281.1 is added to the Education Code, to read:

14281.1. The election of an irrevocable option as provided in Section 14284 shall preclude the payment of disability or family benefits to the member or any beneficiary. Members receiving a disability allowance under Section 14260 may not file an irrevocable election of option as provided in Section 14284.

SEC. 54.5. Article 24 (commencing with Section 14300) of Chapter 4 of Division 10 of the Education Code is repealed.

SEC. 55. Article 24 (commencing with Section 14300) is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 24. Reinstatements

14300. The purpose of this article is to provide for the computation of retirement allowances to be granted to a person who:

- (a) Previously retired from this system and subsequently reinstates as a member; or
- (b) Previously received a disability allowance from this system and subsequently receives a service retirement under subdivision (a) of Section 14240.

14301. If the retirant returns to active service and performs less than three years of credited service prior to subsequent retirement, he shall have added to the retirement allowance he was receiving immediately prior to reentry an amount based on the service performed after his last reentry computed in accordance with the retirement formula provided in the law in effect on the date his subsequent retirement is effective but using the same final compensation that was used in the calculation of the retirement allowance he was receiving immediately prior to the last reentry.

If three or more years of credited service are performed after the last reentry, he shall receive the greater of his previous allowance recomputed on the basis of age, determined by deducting from his age at his subsequent retirement the time during which he was retired or the allowance he was receiving immediately prior to

reentry, plus an amount based on service performed after his last reentry computed in accordance with Section 13838 and Section 14240.

14302. If less than three years of credited service are performed after his last reentry, he shall receive the lesser of the disability retirement allowance he was receiving at time of reentry or the service retirement allowance based on subdivision (a) of Section 14240 using the actual credited service, the final compensation upon which the disability allowance was based, and an age, but not less than 55, determined by deducting from his age at his subsequent retirement the time he was retired, plus an amount based upon the credited service after his last reentry computed in accordance with subdivision (a) of Section 14240 using the final compensation which was used in the computation of his disability retirement allowance.

If three or more years of credited service are performed after his last reentry, he shall receive a retirement allowance calculated under the provisions of Section 13838 and subdivision (a) of Section 14240.

14303. If less than three years of credited service are performed after discontinuance of the disability allowance, he shall receive a retirement allowance which is the lesser of the service retirement allowance computed under subdivision (a) of Section 14240 based on actual and projected service and salary or the disability allowance he was receiving immediately prior to discontinuance of that allowance, exclusive of increments added for children. He may not elect to pay for or receive credit for service with which he was not credited on the effective date of the disability allowance.

If three or more years of credited service are performed after discontinuance of the disability allowance, he shall receive a retirement allowance computed under subdivision (a) of Section 14240 based on actual and projected service and salary. He may pay for and receive credit for creditable service with which he was not credited on the effective date of his disability allowance.

SEC. 56. Section 14394.1 is added to the Education Code, to read:

14394.1. Any disability allowance which has accrued and remains unpaid to a disabilitant at the time of his death shall be paid to:

(a) The person entitled to receive a benefit under Section 14186, or if none, to

(b) The beneficiary entitled to receive the death benefit under Section 14180.

SEC. 57. Section 14398 of the Education Code is amended to read:

14398. Whenever any warrant drawn in payment of contributions or accumulated contributions or benefits under this system remains unclaimed or the legal claimant cannot be found, the Teachers' Retirement Board shall redeposit the proceeds of such warrant in the Teachers' Retirement Fund, and shall hold such proceeds for the legal claimant without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the claimant in this system.

The above provisions shall apply to warrants drawn and canceled by the Controller pursuant to Section 17070 of the Government Code, except that upon notice of cancellation, the proceeds revert to and become a part of the Teachers' Retirement Fund, and shall be applied to meet the liabilities of the Teachers' Retirement Fund.

The board may at any time, after reversion of proceeds as provided above to the Teachers' Retirement Fund and upon receipt of proper information satisfactory to it, return from the Teachers' Retirement Fund an amount equal to such proceeds to the credit of the legal claimant.

SEC. 58. Section 14399 of the Education Code is repealed.

SEC. 59. Section 14400 of the Education Code is repealed.

SEC. 60. Section 14401 of the Education Code is repealed.

SEC. 61. Section 14405 is added to the Education Code, to read:

14405. Whenever a refund cannot be made under the provisions of Section 14072, or a benefit cannot be paid because the member cannot be found, the accumulated contributions credited to his account shall be transferred to the Teachers' Retirement Fund.

If a person whose accumulated contributions were transferred to the Teachers' Retirement Fund returns to a position requiring membership, the system shall return such contributions to his account with interest that would have been credited to his account had the funds not been transferred.

SEC. 62. Section 16626 of the Education Code is amended to read:

16626. Each person employed by a school district in a position requiring a children's center permit for the supervision and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's center program, shall be deemed to be employed in a position requiring certification qualifications.

Each other person employed by a district in a children's center under the provisions of this chapter (commencing with Section 16601) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications.

The provisions of Section 13525, Section 13525.1 or Section 13526 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, shall not apply to employees in children's centers.

A district may lay off an employee required to have such a permit at any time during the school year for lack of work or lack of funds or may provide for his employment for not to exceed 90 days in any one school year on an intermittent basis which shall not be deemed probationary service. The order of layoff shall be determined by length of service. The employee who has served the shortest time shall be laid off first, except that no permanent employee shall be laid off ahead of a probationary employee. A permanent employee who has been laid off shall hold reinstatement rights for a period of 39 months from the date of layoff.

Service performed prior to the effective date of this section shall

not be included in computing the service required as a prerequisite for attainment of, or eligibility to, classification as a permanent children's center employee.

A person who is employed by a district as a probationary employee in a position requiring a children's center permit for the supervision and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's program and who has served in such a position for three complete consecutive school years as defined in Sections 13328 and 13464 of the Education Code, immediately prior to the effective date of this section may be dismissed only in accordance with the provisions of Section 13444.

Other persons who are employed as probationary employees in positions requiring such permits on or after the effective date of this section may be dismissed in accordance with the provisions of Section 13443.

SEC. 63. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters

affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the Teachers' Retirement Board of the State Teachers' Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title I of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

SEC. 64. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

Chapter 1305 of the Statutes of 1971 made numerous changes in the operation of the State Teachers' Retirement System, and will become operative on July 1, 1972. In order for the changes made by this act to be properly coordinated with the changes made by Chapter 1305, it is necessary that many of the provisions of this act become operative on July 1, 1972, and that the remainder of the act become operative on August 1, 1972.

SEC. 65. Except for Section 55, the provisions of this act shall become operative July 1, 1972. Section 55 of this act shall become operative August 1, 1972.

CHAPTER 1011

An act to amend Sections 12007, 12082, 12101, and 12105.1 of, and to add Section 12101.5 to, the Health and Safety Code, relating to the control of explosives.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 12007 of the Health and Safety Code is amended to read:

12007. For the purposes of this part, the term "issuing authority" shall mean either the sheriff of a county, or the chief or other head of a municipal police department of any city or city and county, or the chief of a fire department or fire protection agency, and their authorized representatives, provided that, in the event the designated issuing authority is the chief of a fire department or fire protection agency, such fire department or fire protection agency is organized with regularly paid, full-time personnel. The governing body of any county, city, or city and county shall designate one of the above as the issuing authority within its jurisdiction and shall notify the State Fire Marshal of the person so designated.

SEC. 2. Section 12082 of the Health and Safety Code is amended to read:

12082. No explosives shall be sold, furnished, or given away to any person under 21 years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives governed by the provisions of this part.

The reference to "under 21 years of age" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

SEC. 3. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with the provisions of this section:

- (1) Manufacture explosives.
- (2) Sell, furnish, or give away explosives.
- (3) Receive, store, or possess explosives.
- (4) Transport explosives.
- (5) Use explosives.
- (6) Operate a terminal for handling explosives.
- (7) Park or leave standing any vehicle carrying explosives, except

when parked or left standing in or at a safe stopping place designated as such by the Department of the California Highway Patrol under the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate issuing authority in accordance with the provisions of Section 12103. In any area wherein the governing body acting pursuant to Section 12007 designates a second issuing authority to serve within the area, the issuing authority to whom application for a permit is made shall notify the other issuing authority within the area of any application made before such permit shall be issued.

(c) A permit shall be obtained from the issuing authority having the responsibility in the area where the activity, as specified in subdivision (a) of this section, is to be conducted.

If the person holding a valid permit for the use or storage of explosives desires to purchase or receive explosives in a jurisdiction other than that of intended use or storage, such person shall first present such permit to the issuing authority in the jurisdiction of purchase or receipt for endorsement. Such issuing authority may include any reasonable restrictions or conditions which he finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives within his jurisdiction. If, for any reason, such issuing authority refuses to endorse the permit previously issued in the area of intended use or storage, such authority shall immediately notify both the issuing authority who issued the permit and the State Bureau of Criminal Identification and Investigation in Sacramento of the fact of such refusal and the reasons for such refusal.

Every person who sells, gives away, delivers, or otherwise disposes of explosives to another person shall first satisfy himself that the person receiving the explosives has a permit valid for that purpose. When the permit to receive explosives indicates that the intended storage or use of the explosives is other than in that area in which the permittee receives the explosives, the person who sells, gives away, delivers, or otherwise disposes of the explosives shall insure that the permit has been properly endorsed by a local issuing authority and, further, shall immediately send a copy of the record of sale to the issuing authority who originally issued the permit in the area of intended storage or use. The issuing authority in the area in which

the explosives are received or sold shall not have the authority to issue a permit for the possession, use, or storage of explosives in an area not within his jurisdiction.

(d) In the event any person desires to receive explosives for use in an area outside of this state, a permit to receive such explosives shall be obtained from the State Fire Marshal.

(e) A permit may include any restrictions or conditions which the issuing authority finds necessary for the prevention of fire and explosion, the preservation of life, safety, or the control and security of explosives.

(f) A permit shall remain valid only until such time as the act or acts authorized by the permit are performed, but in no event shall the permit remain valid for a period longer than one year from the date of issuance of the permit.

(g) Any valid permit which authorizes the performance of any act shall not constitute authorization for the performance of any act not stipulated in the permit.

SEC. 4. Section 12101.5 is added to the Health and Safety Code, to read:

12101.5. This chapter does not apply to any possession or use by a person licensed as a pyrotechnic operator—special effects first class of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, if all of the following requirements are satisfied:

(a) All such powder is for use in the pursuit of the lawful business of such licensee and not for resale, and, in the case of black sporting powder, there shall be no gift, delivery or other disposition to another person who is not licensed as a pyrotechnic operator—special effects first class. Any such licensee may sell, give, deliver, or otherwise dispose of any smokeless or black sporting powder to another such licensee.

(b) The storage, use and handling of such smokeless and black powder conforms to rules, regulations, or ordinances of authorities having jurisdiction for fire prevention and suppression in the area of such storage, use, and handling of such explosives.

SEC. 5. Section 12105.1 of the Health and Safety Code is amended to read:

12105.1. Except in a case in which the issuing authority determines that the explosives are necessary because of an emergency involving a danger to persons or property, no permit shall normally be issued until one week has elapsed after application is made. If the applicant gives evidence that he has previously been issued an explosives permit pursuant to this part and if the legitimacy of the purpose for which the current application is made is clearly apparent to the issuing authority, the issuing authority may in his discretion issue a permit before one week has elapsed. If no affirmative action is taken on the application within 14 days after the application is made, the issuing authority shall explain the cause for such delay to the applicant.

CHAPTER 1012

An act to amend Section 1473 of, to amend and renumber Section 1475 of, to add Section 1475 to, and to repeal Section 1475 of, the Unemployment Insurance Code, and to repeal Section 5 of Chapter 1815 of the Statutes of 1971, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1473 of the Unemployment Insurance Code is amended to read:

1473. As used in this chapter:

(a) "State employee" means an individual who has been employed full time for the previous six consecutive months by the Regents of the University of California or the Trustees of the California State University and Colleges and who (1) receives a written notice of permanent layoff, or a written notice of layoff of more than 120 days in duration, with an effective date on or after March 1, 1971, or (2) terminates his employment or has terminated his employment on or after March 1, 1971, within 30 days after receiving a written notice from his appointing power that he is subject to such layoff, due to a reduction in staff arising from reductions in any budget act, or any other source of funds, other than by scheduled termination. However, nothing in this subdivision shall permit a state employee to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of this part.

(b) "State wages" means all remuneration payable to a state employee for personal services performed as a state employee prior to (1) the effective date of such notice of layoff or (2) 30 days after such employee is notified in writing by his appointing power, as described in subdivision (a), including the reasonable cash value of all remuneration payable in any medium other than cash. Such term shall only include all such remuneration paid on and after January 1, 1970, for new claims filed with an effective date on or before December 31, 1971.

(c) "Base period" means the base period defined by Section 1275.

SEC. 2. Section 1473 of the Unemployment Insurance Code is amended to read:

1473. As used in this chapter:

(a) "State employee" means an individual who has been employed full time for the previous six consecutive months by the Regents of the University of California or the Trustees of the California State University and Colleges and who (1) receives a

written notice of permanent layoff, or a written notice of layoff of more than 120 days in duration, with an effective date on or after March 1, 1971, or (2) terminates his employment or has terminated his employment on or after March 1, 1971, within 30 days after receiving a written notice from his appointing power that he is subject to such layoff, due to a reduction in staff arising from reductions in any budget act, or any other source of funds, other than by scheduled termination. However, nothing in this subdivision shall permit a state employee to receive unemployment compensation benefits if he would be ineligible for or disqualified to receive such benefits under Article 1 (commencing with Section 1251) of Chapter 5 of this part.

(b) "State wages" means all remuneration payable to a state employee for personal services performed as a state employee prior to (1) the effective date of such notice of layoff or (2) 30 days after such employee is notified in writing by his appointing power, as described in subdivision (a), including the reasonable cash value of all remuneration payable in any medium other than cash. Such term shall include all such remuneration paid on and after January 1, 1970.

(c) "State base period" means the period of the last four complete consecutive calendar quarters, and any subsequent complete and partial calendar month or months, immediately preceding the effective date of a new claim for unemployment compensation benefits by a state employee.

(d) "Base period" means the base period defined by Section 1275.

SEC. 3. Section 1475 of the Unemployment Insurance Code is repealed.

SEC. 4. Section 1475 is added to the Unemployment Insurance Code, to read:

1475. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages with respect to employment of state employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part, and shall be the liability of governmental entities or nonprofit organizations pursuant to Section 803, but the additional cost to the Unemployment Fund of the benefits paid based on base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California for each calendar quarter, reduced or increased by any sum by which he finds that his

estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or such other method as may be determined by the director.

Upon making such determination, the director shall certify to the State Controller or other responsible disbursing officer the amount determined with respect to the State of California. The State Controller or other responsible disbursing officer shall pay to the Unemployment Fund the contributions due from the State of California. The director shall charge to any special fund not funded by any budget act or other state appropriation, which is responsible for the salary of any employee, the amount of additional cost to the Unemployment Fund of the benefits paid with respect to that state employee.

(c) The director may require from each employing unit subject to this chapter employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him. Each employing unit subject to this chapter shall promptly supply the director, upon his request, with a copy of the written notice specified by subdivision (a) of Section 1473.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing unit.

(e) Each employing unit shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of this section, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

SEC. 5. Section 1475 of the Unemployment Insurance Code is amended and renumbered to read:

1476. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages with respect to employment of state employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations pursuant to Section 803, but the additional cost to the Unemployment Fund of the benefits paid based on base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the State Controller or other responsible disbursing officer the amount determined with respect to the State of California. The State Controller or other responsible disbursing officer shall pay to the Unemployment Fund the contributions due from the State of California. The director shall charge to any special fund not funded by any budget act or other state appropriation, which is responsible for the salary of any employee, the amount of additional cost to the Unemployment Fund of the benefits paid with respect to that state employee.

(c) The director may require from each employing unit subject to this chapter employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him. Each employing unit subject to this chapter shall promptly supply the director, upon his request, with a copy of the written notice specified by subdivision (a) of Section 1473.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form and may divulge the name of the employing unit.

(e) Each employing unit shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of this section, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

SEC. 6. Section 5 of Chapter 1815 of the Statutes of 1971 is repealed.

SEC. 7. It is the intent of the Legislature that this bill shall be given effect and shall be operative except as provided by this section and Section 8. It is the intent of the Legislature that if both this bill and Assembly Bill No. 221 are chaptered, and this bill and Assembly Bill No. 221 amend Section 1473 of the Unemployment Insurance Code, and this bill repeals and adds Section 1475 of the Unemployment Insurance Code and Assembly Bill No. 221 amends and renumbers Section 1475 of the Unemployment Insurance Code,

that the provisions of both bills be given effect as follows:

(a) If this bill is chaptered after Assembly Bill No. 221 is chaptered, the amendment to Section 1473 of the Unemployment Insurance Code made by Section 1 of this bill and the repeal and addition of Section 1475 of the Unemployment Insurance Code made by Sections 3 and 4 of this bill shall not take effect, and the changes made by both bills shall be given effect and incorporated in Sections 1473 and 1476 of the Unemployment Insurance Code in the form set forth in Sections 2 and 5 of this bill.

(b) If this bill is chaptered before Assembly Bill No. 221 is chaptered, the changes made in Sections 1473 and 1475 of the Unemployment Insurance Code by Sections 1, 3, and 4 of this bill shall become inoperative upon the effective date of Assembly Bill No. 221 and the changes made in Sections 1473 and 1475 of the Unemployment Insurance Code by Sections 2 and 5 of this bill shall not take effect.

SEC. 8. It is the intent of the Legislature that if Assembly Bill No. 221 is not chaptered, the changes made in Sections 1473 and 1475 of the Unemployment Insurance Code by Sections 2 and 5 of this bill shall not take effect.

SEC. 9. There is appropriated from the General Fund to the Director of the Department of Human Resources Development the sum of one hundred ninety-one thousand dollars (\$191,000) to be used to pay the benefits provided by Chapter 1815 of the Statutes of 1971 which are charged to any special fund funded by any budget act or other state appropriation.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Layoffs in state institutions of higher education are imminent. The lack of unemployment benefits for state higher education employees is detrimental to morale, causes a deterioration in the quality and quantity of services, and is a deterrent to the recruitment of qualified candidates for employment. Unless there is prompt adjustment of this serious inequity, and sufficient moneys to fund such adjustment, this area of public service will suffer serious and irreparable harm.

CHAPTER 1013

An act to amend Section 13413 of the Education Code, as added by Chapter 361 of the Statutes of 1971, relating to certificated employees.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13413 of the Education Code, as added by Chapter 361 of the Statutes of 1971, is amended to read:

13413. In the event a hearing is requested by the employee, the hearing shall be commenced within 60 days from the date of the employee's demand for a hearing. The hearing shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the Commission on Professional Competence shall have all the power granted to an agency therein, except that the right of discovery of the parties shall not be limited to those matters set forth in Section 11507.6 of the Government Code but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters which occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the governing board concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

In those causes specified in subdivisions (b), (f), (h), (i), (j), and (k) of Section 13403, the hearing shall be conducted by a hearing officer whose decision shall be binding on the board. In the event the employee is charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the hearing shall be conducted by a Commission on Professional Competence. One member of the panel shall be selected by the employee, one member shall be selected by the governing board, and one member shall be a hearing officer of the State Office of Administrative Procedure who shall be chairman and a voting member of the competency panel and shall be responsible for assuring that the legal rights of the employee are protected at the hearing. If either the governing board or the employee for any reason fails to select a commission member at least seven days prior to the date of the hearing, such failure shall constitute a waiver of the right to selection, and the county board of education or its specific designee shall immediately make the selection. When the county board of education is also the governing board of the school district, the selection shall be made by the Superintendent of Public Instruction, who shall be reimbursed by the school district for all costs incident to the selection.

The member selected by the governing board and the member selected by the employee shall have at least five years' experience in the specific educational function of the accused as set forth in Section 13055.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of

Section 13403, the decision shall be made, by a majority vote, by the Commission on Professional Competence which shall prepare a written decision containing findings of fact, determinations of issues and a disposition either:

- (a) That the employee should be dismissed.
- (b) That the employee should not be dismissed.

In those instances where the employee has been charged with any of the causes specified in subdivisions (a), (c), (d), (e), and (g) of Section 13403, the decision of the Commission on Professional Competence shall be deemed to be the final decision of the governing board.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

The governing board and the employee shall have the right to be represented by counsel.

If the governing board orders the dismissal of the employee, the governing board and the employee shall share equally the expenses of the hearing, including the cost of the hearing officer. The employee and the governing board shall pay their own attorney fees.

If the governing board orders that the employee not be dismissed, the governing board shall pay all expenses of the hearing, including the cost of the hearing officer, and reasonable attorney fees incurred by the employee.

CHAPTER 1014

An act to amend Section 583 of the Code of Civil Procedure, relating to dismissal of actions.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 583 of the Code of Civil Procedure is amended to read:

583. (a) The court, in its discretion, may dismiss an action for want of prosecution pursuant to this subdivision if it is not brought to trial within two years after it was filed. The procedure for obtaining such dismissal shall be in accordance with rules adopted by the Judicial Council.

(b) Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the plaintiff has filed his action, except where the parties have filed

a stipulation in writing that the time may be extended.

(c) When in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have filed a stipulation in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court. Nothing in this subdivision shall require the dismissal of an action prior to the expiration of the five-year period prescribed by subdivision (b).

(d) When in any action a trial has commenced but no judgment has been entered therein because of a mistrial or because a jury is unable to reach a decision, such action shall be dismissed on the motion of defendant after due notice to plaintiff or by the court of its own motion, unless such action is again brought to trial within three years after entry of an order by the court declaring the mistrial or disagreement by the jury, except where the parties have filed a stipulation in writing that the time may be extended.

(e) For the purposes of this section, "action" includes an action commenced by cross-complaint.

(f) The time during which the defendant was not amenable to the process of the court and the time during which the jurisdiction of the court to try the action is suspended shall not be included in computing the time period specified in any subdivision of this section.

CHAPTER 1015

An act to amend Section 16200.5 of the Welfare and Institutions Code, relating to licensing and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16200.5 of the Welfare and Institutions Code as amended by Chapter 1626 of the Statute of 1971 is amended to read:

16200.5. Notwithstanding any other provision of law any health

facility or institution licensed by the Department of Public Health or the Department of Mental Hygiene may, upon application, be licensed under the provisions of this chapter, provided the applicant complies with the provisions of this chapter and the rules and regulations promulgated by the department pursuant to the provisions of this chapter as these rules and regulations apply to facilities for the care of persons aged 16 and above licensed and in operation on the effective dates of such rules and regulations, except that the facilities licensed pursuant to this section shall comply with all such rules and regulations on or before July 1, 1973.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the time extension on licensing to go into effect before the present deadline is past, the act must go into effect immediately.

CHAPTER 1016

An act to add Chapter 8 (commencing with Section 39280) to Part 1 of Division 26 the Health and Safety Code, relating to air pollution, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 39280) is added to Part 1 of Division 26 of the Health and Safety Code, to read:

CHAPTER 8. AIR POLLUTION CONTROL SUBVENTION PROGRAM

39280. As used in this chapter, "dollars budgeted" means moneys derived from revenue sources within a district or districts for use in the district's or districts' air pollution control programs.

39281. The board shall administer, pursuant to this chapter, such funds as may be appropriated to it for the purposes of this chapter.

39282. The board may subvene up to one dollar (\$1) for every dollar budgeted for use by any of the following:

(a) A county or regional air pollution control district whose boundaries include an entire air basin.

(b) A unified district formed pursuant to Article 7 (commencing with Section 24330) of Chapter 2 of Division 20 whose boundaries include an entire air basin.

(c) County districts, including any unified districts, whose boundaries together include an entire air basin and who are parties

to one joint powers or other enforceable agreement which provides for all of the following:

(1) Uniform rules and regulations among all districts, excluding administrative rules and regulations.

(2) At least four meetings per year of the Basinwide Air Pollution Control Coordinating Council formed under Section 39272, or an equivalent procedure for basinwide consideration of policy matters.

(3) Suitable sharing of qualified air pollution personnel and equipment.

Subventions under this section shall not exceed twenty-three cents (\$0.23) per capita. A subventor made pursuant to Section 39283 shall preclude subvention under this section.

39283. In air basins where funds are not subvented pursuant to Section 39281, the board may subvene up to two dollars (\$2) for every three dollars (\$3) budgeted by an air pollution control district. Subventions under this section shall not exceed eighteen and four-tenths cents (\$0.184) per capita.

39284. In air basins having a population of less than 98,000, the board may subvene more than the specified amount allowed under Section 39282, if the subventor does not exceed forty-five thousand dollars (\$45,000) per air basin and each air pollution control district affected adopts a budget equal to or exceeding twenty-three cents (\$0.23) per capita.

39285. The per capita limits in Sections 39282 and 39283 and the forty-five thousand dollar (\$45,000) limit in Section 39284 may be increased by the board to reflect the effects of inflation on the moneys needed to carry out air pollution control programs. No increase shall be made without the prior written approval of the Director of Finance.

39286. No moneys shall be subvented pursuant to this chapter unless the air pollution control district or districts affected are actively and effectively engaged in the reduction of air contaminants pursuant to the coordinated basinwide air pollution control plan and related county programs approved by the board pursuant to Sections 39274 and 39275. When the board finds, pursuant to a resolution from the board of directors of an air pollution control district, or upon completion of proceedings conducted by the board pursuant to Section 39054, 39274, or 39275, that an air pollution control district is not so engaged in the reduction of air contaminants, the subvention which would have been allocated to such district pursuant to Section 39282 or 39283, plus such additional sum as may be necessary, if moneys are available from appropriations for the purposes of this chapter, shall be allocated to the board itself to carry out the approved plan or program. If the board acts under this section pursuant to a resolution of the board of directors of an air pollution control district, it may do so without proceeding under Section 39054, 39274, or 39275.

39287. The subvention otherwise due an air pollution control district may be reduced by the board up to an amount equal to the

funds which are granted to the district by the federal government. In so reducing a subvention, the board shall take into account all the following factors:

- (a) The purpose for which the federal funds were granted.
- (b) The needs of the district in relationship to the needs of other districts.
- (c) Any special and worthy programs conducted by the district not required by the plan or program approved by the board pursuant to Sections 39274 and 39275.
- (d) The severity of air pollution within the district.
- (e) Any other factors which the board reasonably determines should be considered.

39288. The board may review, as it deems necessary, the programs and expenditures by each air pollution control district receiving a subvention under this chapter to ascertain that the funds budgeted from nonstate sources are in fact being expended substantially in accordance with the budget on which the subvention was based. If the board finds that such funds are not being so expended, the board may do any of the following:

- (a) Cease any further payments under the subvention.
- (b) Withhold future subventions.
- (c) Bring an action against the district, or the counties or cities supporting the district, to recover the subvention paid that fiscal year.
- (d) Assume the powers of the district without further proceedings under other provisions of this part.

39288.5. The board may allocate to itself sufficient moneys to administer the subvention program under this chapter and to conduct reviews authorized by Section 39288.

39289. Any moneys not otherwise subvened or allocated by the board pursuant to this chapter may be used for supplemental subventions upon application up to a one-to-one matching basis or, in the board's discretion, for any other purpose related to the control of air contaminants from nonvehicular sources. Matching supplemental subventions having unusual merit shall be given preference over expenditures for other purposes. In making supplemental subventions, the board may consider federal grants received by the applicant and by other air pollution control districts.

39290. The board shall adopt such regulations as may be necessary or advisable to carry out the purposes and provisions of this chapter.

39291. Any moneys appropriated to the board for expenditure under this chapter not allocated during the fiscal year shall revert to the General Fund.

SEC. 2. There is hereby appropriated for the fiscal year 1972-1973, from the General Fund to the State Air Resources Board, the sum of four million six hundred thousand dollars (\$4,600,000) for the purposes of carrying out the provisions of Chapter 8 (commencing with Section 39280) of Part 1 of Division 26 of the

Health and Safety Code.

SEC. 3. There is hereby appropriated for the fiscal year 1972-1973, from the General Fund to the State Air Resources Board, the sum of two million four hundred thousand dollars (\$2,400,000) for the State Air Resources Board's nonvehicular programs. This appropriation shall be reduced by the amount of any appropriation made from the General Fund in the Budget Act for fiscal year 1972-1973 for the State Air Resources Board's nonvehicular programs. Any appropriation in such Budget Act to the State Air Resources Board from the Motor Vehicle Account in the State Transportation Fund, shall be reduced by the amount by which the appropriation for the State Air Resources Board's nonvehicular programs is increased by this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Air pollution is widespread and affects the health of many people. Effective air pollution control has not been developed in some counties, in part due to lack of funds. This act will provide the lacking funds and should bring about, without further delay, effective air pollution control programs throughout the state.

CHAPTER 1017

An act to amend Section 13715 of the Education Code, relating to school classified employees.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13715 of the Education Code is amended to read:

13715. The rules of the commission and copies of this article (commencing with Section 13701) shall be printed and made available to each school, office, and permanent worksite where employees report and shall be distributed to school libraries for loan to employees.

Within one year of when a district adopts the merit system, the commission shall adopt rules and regulation pursuant to Section 13713, shall give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

CHAPTER 1018

An act to add Section 19956.5 to the Health and Safety Code, relating to curbs and sidewalks.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 19956.5 is added to the Health and Safety Code, to read:

19956.5. Any curb or sidewalk intended for public use that is constructed in this state with private funds shall conform to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code.

This section shall apply, but not be limited in application, to any curb or sidewalk which after construction with private funds will be turned over to a city or county for public use, in order to provide full and easy access to, and use of, such curb or sidewalk by the physically handicapped.

CHAPTER 1019

An act to amend Section 14104.3 of the Welfare and Institutions Code, relating to health care services.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 14104.3 of the Welfare and Institutions Code as added by Chapter 577 of the Statutes of 1971, is amended to read:

14104.3. (a) The department may, to the extent feasible, enter into nonexclusive contracts providing arrangements under which funds available for health care under this chapter shall be administered and disbursed to providers of health care or to their designated agents in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payments established pursuant to such contract. Such contract shall provide that the carrier:

1. Will take such action as may be necessary to assure that payment for services to hospitals and other facilities and professional services shall be predicated on the basis of reimbursement for reasonable cost based on standards, determined by the director with the advice of the Health Care Commission. The formula for such payments shall be determined in accordance with regulations

establishing the methods to be used and the items to be included. In prescribing such regulations, the department shall consider, among other things, the principles generally applied by state organizations representing such hospitals or other facilities or by established prepayment organizations which have developed such principles, in determining the method or methods to be used in arriving at the payment formula.

2. Will take such action as may be necessary to assure that where payment under this chapter is on a charge basis, such charge will be reasonable and not higher than the charge applicable for a comparable service and under comparable circumstances to the policyholders and subscribers of the carrier.

3. Bills for service under this chapter shall be reviewed and payment or rejection made within 30 days from receipt of evidence establishing validity of the bill for payment in the office of the paying agency. If it is determined by the paying agency that additional evidence of validity is required, such evidence shall be requested within 30 days from the date the bill is received in the office of the paying agency. In any event, notice shall be given in 60 days from the date the bill is received concerning the status of the bill submitted if such bill is held for peer review in the office of the paying agency beyond 30 days.

(b) Contracts awarded under this section shall be awarded on a bid basis, and before entering into any such contract, the director shall publish notice soliciting bids.

The director, at least once each year, shall report to the Joint Legislative Budget Committee actions taken by him in the awarding of contracts under this section, including, but not limited to, the number and types of bids submitted, the basis on which contracts were awarded, and, if a contract is awarded to other than the lowest bidder, the reason for such action.

CHAPTER 1020

An act to authorize participation by the Department of the Youth Authority and the Department of Corrections in a cooperative experimental correctional program, and making an appropriation to the Department of Corrections for security equipment in state correctional facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. It is the purpose and intention of the Legislature, in enacting this act, to improve the correctional and rehabilitative process. The Legislature finds that, at present, the correctional functions are fragmented between echelons of government and between units of government on the same level. To this end, the demonstration of a correctional systems approach would be of great value. The County of Ventura has expressed its interest in conducting such a demonstration effort in cooperation with the Department of Corrections and the Department of the Youth Authority, as well as federal government and local jurisdictions within the county.

SEC. 2. The Department of the Youth Authority and the Department of Corrections shall contract with the County of Ventura and with such other political subdivisions within such county as may desire to participate, and with the federal government, if it desires to participate, for the mutual provision of custodial, diagnostic, rehabilitative, probation, parole, and any other services required to participate in a cooperative experimental correctional program, described as the Ventura County Unified Correctional System Demonstration Project.

SEC. 3. Where care is provided under a contractual agreement provided for in this act, the state may reimburse other governmental units for services to California prisoners from funds appropriated for the support of such prisoners.

SEC. 4. Use may be made of the 90-day diagnostic referral of juveniles program, as conducted by the Youth Authority under Section 704 of the Welfare and Institutions Code, for juvenile participants in the experimental project provided for in this act, without charge to the using agency.

SEC. 5. (a) The funds for the project provided for in this act shall be obtained from the California Council on Criminal Justice or such other funding agency as shall be appropriate.

(b) The term of such project shall be two years. However, nothing in this act shall preclude the Department of the Youth Authority, the Department of Corrections, or other entities engaged in the project from continuing the relationship and system created under this act as an operational program, if necessary operating funds are obtained therefor.

(c) Reports on the progress of the demonstration project shall be made to the Secretary of the Human Relations Agency not later than one year after the effective date of this act, with a supplemental report not later than the 20th month after such effective date. A final report shall be submitted within three months after the termination of the project. The reports shall be compiled and submitted by the contracting parties, jointly, or, in the event of the failure thereof, by the Department of Corrections.

SEC. 6. The sum of three hundred seventy-four thousand seven hundred seventy-five dollars (\$374,775) is hereby appropriated from the General Fund to the Department of Corrections for the purchase

and installation of security equipment in state correctional facilities.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the programs authorized by this act be implemented at the earliest possible date, thus alleviating the dangerously overcrowded conditions in many correctional facilities, and in order that the purchase of the security equipment so authorized be made at the earliest possible date, thus alleviating disturbances in correctional institutions, it is necessary that this act go into immediate effect.

CHAPTER 1021

An act to amend Section 739 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 739 of the Welfare and Institutions Code is amended to read:

739. (a) Whenever any person is taken into temporary custody under the provisions of Article 6 (commencing with Section 625) of this chapter and is in need of medical, surgical, dental, or other remedial care, the probation officer may, upon the recommendation of the attending physician, or, in the case of dental care the attending dentist, or if there be no attending dentist then on the recommendation of the attending physician, authorize the performance of such medical, surgical, dental, or other remedial care. The probation officer shall notify the parent, guardian, or person standing in loco parentis of the person, if any, of the care found to be needed before such care is provided, and if the parent, guardian, or person standing in loco parentis objects, such care shall be given only upon order of the court in the exercise of its discretion.

(b) Whenever it appears to the juvenile court that any person concerning whom a petition has been filed with the court is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize such remedial care or treatment for such person, the court, upon the written recommendation of a qualified physician and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care for such person.

(c) Whenever a ward or dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation officer of the county in which the ward or dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the ward or dependent child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical, dental, or other remedial care for the ward or dependent child, by licensed practitioners, as may from time to time appear necessary.

(d) Whenever it appears that a minor otherwise within the provisions of subdivision (a), (b), or (c) requires immediate emergency medical, surgical, dental, or other remedial care, or whenever the probation officer cannot, with reasonable diligence, locate and notify the parent, guardian, or person standing in loco parentis of the need of the minor for such care, the court, upon the written recommendation of a duly licensed physician, may make an order authorizing, or the probation officer, upon the written recommendation of a duly licensed physician, may authorize, the performance of such care as is reasonably necessary under the circumstances, without notice to the parent, guardian, or person standing in loco parentis.

(e) In any case in which the court orders the performance of any medical, surgical, dental, or other remedial care pursuant to this section, the court may also make an order authorizing the release of information concerning such care to probation officers, parole officers, or any other qualified individuals or agencies caring for or acting in the interest and welfare of the minor under order, commitment, or approval of the court.

(f) Nothing in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the minor by order of the court, in providing any medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state.

(g) The mother of any person described in this section may authorize the performance of medical, surgical, dental, or other remedial care provided for in this section notwithstanding the fact that she is unmarried and under the age of 21 years.

CHAPTER 1022

An act to add Section 11008.8 to the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 11008.8 is added to the Welfare and Institutions Code, to read:

11008.8. It is the intent of the Legislature that any reduction in the state and county costs of public assistance payments to recipients of aid under Chapters 3 (commencing with Section 12000), 4 (commencing with Section 12500), 5 (commencing with Section 13000) and 6 (commencing with Section 13500) of Part 3 of this division, which result from increased social security benefits voted by Congress shall be applied to increasing the monthly grants to all recipients of aid under these chapters.

Notwithstanding any other provision of law, on and after October 1, 1972, the maximum or average grants contained in Sections 12150, 12151, 12650, 12651, 13100, 13101, and 13700 and the need standard of recipients contained in departmental regulations on July 1, 1972, that were established pursuant to such sections shall be increased in the amount of twelve dollars (\$12). Such increases shall be reflected in the grants that are payable on October 1, 1972. Such increases shall not replace, but are in addition to any other grant, including any cost-of-living adjustment or any grant for special needs for which recipients affected by this section are or may become eligible.

Each county shall pay to the state each month beginning October 1, 1972, an amount equivalent to 25 percent of the increases in social security benefits received in October 1972 by all recipients of aid to the needy disabled in the county.

There is hereby appropriated from the General Fund to every county an amount sufficient to pay the total nonfederal costs of the increase in aid grants provided in this section.

SEC. 2. The county shall estimate the social security increases for the month of October and such estimated increase shall be taken into consideration in determining eligibility for and the amount of the October 1, 1972, grant for recipients of aid under Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), Chapter 5 (commencing with Section 13000) and Chapter 6 (commencing with Section 13500) of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the social security benefits granted by the federal government in October may result in the increased benefits for the adult categorical aid programs as provided in this act, it is necessary that this act take immediate effect.

CHAPTER 1023

An act to add Sections 11655.10 and 11655.11 to the Health and Safety Code, relating to narcotics, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972]

I am reducing the appropriation contained in Section 3 of Assembly Bill No. 262 from \$5,020,000 to \$20,000 by deleting the \$5,000,000 appropriation contained in Section 3 (a) of the bill

The reduced appropriation will be sufficient to provide start-up costs to develop the appropriate administrative controls for new and expanded methadone maintenance programs

Additional funding will be earmarked for this program when SB 714, a comprehensive drug abuse prevention plan, is finally passed. It is my expectation that with the additional funding provided in SB 714 and the administrative mechanism provided for by AB 262, the program set up by this bill will be able to operate to its fullest potential

With the above reduction, I approve Assembly Bill No. 262.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 11655.10 is added to the Health and Safety Code, to read:

11655.10. (a) The Department of Mental Hygiene, after the approval of a methadone maintenance program pursuant to Section 11655.7 by the Research Advisory Panel, shall ascertain such program's need for financial support and may, upon a determination that support is needed, disburse available funds to such program, which was approved on or after the effective date of this section, on a two-year basis. Funds shall be made available for such programs in the same ratio as for approved Short-Doyle programs as provided by Part 2 (commencing with Section 5600) of Division 5 of the Welfare and Institutions Code; however, if the county contracts with a private person or agency or nonprofit corporation for the providing of drug program services, the state's share of the cost of the drug program of the county approved in the county Short-Doyle plan shall be 85 percent, the county's share shall be 5 percent, and the share of the private person or agency or nonprofit corporation shall be 10 percent.

(b) The Department of Mental Hygiene may disburse up to one-half of the available funds to support methadone maintenance programs which received their approval before the effective date of this section. Such funds may be used only to support the treatment of new patients participating in such programs.

(c) As used in this section, "need" means the inability to finance a given program at the treatment level approved pursuant to Section 11655.7 from available sources of funds.

(d) Funds shall be disbursed pursuant to this section only if the prospective recipient of such funds has made all reasonable efforts

to secure the necessary funding from alternative sources.

SEC. 2. Section 11655.11 is added to the Health and Safety Code, to read:

11655.11. The Director of Mental Hygiene shall submit a program budget annually to the Department of Finance, including not only expenditures proposed to be made under this article relating to methadone, but also expenditures proposed to be made under any related program or by any other state agency, designed to provide similar services or services incidental to the functions of the provisions of this article relating to methadone.

Any state agency desiring to establish a methadone maintenance program shall apply to the Department of Mental Hygiene for funds to administer such program.

SEC. 3. There is hereby appropriated from the General Fund the sum of five million twenty thousand dollars (\$5,020,000) to the Director of Finance for allocation to the Department of Mental Hygiene and the Research Advisory Panel for expenditure for the purposes of methadone maintenance programs in accordance with the following schedule:

- (a) To the Department of Mental Hygiene to carry out the purposes of Section 11655.10 of the Health and Safety Code, as added by this act..... \$5,000,000
- (b) To the Department of Mental Hygiene for costs of administration..... 12,000
- (c) To the Research Advisory Panel for costs of administration 8,000

SEC. 3.5. The Department of Mental Hygiene shall expend not more than five hundred thousand dollars (\$500,000) in paying for private methadone maintenance programs contracted directly by the state and approved by the Research Advisory Panel. This section shall not become operative if either Senate Bill No. 714 or Assembly Bill No. 400 of the 1972 Regular Session is enacted into law.

SEC. 4. It is the intention of the Legislature that this bill and Senate Bill No. 714 both be given effect, and that if Senate Bill No. 714 is chaptered after this bill, any reference to the Research Advisory Panel in Section 3 of this act shall be deemed to mean the Department of Mental Hygiene.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The urgent need for funds to finance methadone programs to combat narcotic addiction requires that this act go into effect immediately.

CHAPTER 1024

An act appropriating funds for increases in compensation for nonacademic, and noninstructional and noninstructional-related employees of public higher educational institutions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

I am reducing the appropriation contained in Section 1 of Senate Bill No. 178 from \$2,530,000 to \$1,385,000 by reducing Schedule (a) from \$1,330,000 to \$350,000, and Schedule (b) from \$1,200,000 to \$1,035,000.

The reduced appropriation contained in this bill will insure salary parity between nonacademic classes at the University and the State Colleges and comparable civil service classes. Additional funds are not required to achieve salary parity for the affected nonacademic classes

With the above reduction, I approve Senate Bill No. 178

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of two million five hundred thirty thousand dollars (\$2,530,000) for salary increases for nonacademic, and noninstructional and noninstructional-related employees in, respectively, the University of California and the California State University and Colleges, other than personnel in academic classifications in the University of California and instructional and instructional-related positions in the California State University and Colleges, to be allocated by the Department of Finance to the Regents of the University of California and the Trustees of the California State University and Colleges, respectively, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate, including staff benefits, established on or after July 1, 1972, by the Regents of the University of California and the Trustees of the California State University and Colleges, in accordance with the following schedule:

Schedule:

(a) For increases in compensation for nonacademic positions established by the Regents of the University of California	\$1,330,000
(b) For increases in compensation for administrative, noninstructional, and noninstructional-related positions established by the Trustees of the California State University and Colleges	1,200,000
	<hr/>
Total of schedule.....	\$2,530,000

Before any increased salary range or rate established for any position for the 1972-1973 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the Regents of the University of California or the Trustees of the California State University and Colleges or may be made available from the appropriation in this section, to meet the cost of such increases.

SEC. 2. The increases provided for by Section 1 shall become operative on July 1, 1972, or such time thereafter as federal law or regulations permit.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Compensation for nonacademic, and noninstructional and noninstructional-related employees of, respectively, the University of California and the California State University and Colleges, has fallen substantially behind compensation for comparable work in private employment. Unless there is a prompt adjustment of state salaries for such employees, the University of California and the California State University and Colleges will suffer serious and irreparable harm. It is, therefore, necessary that this legislation be given immediate effect.

CHAPTER 1025

An act making an appropriation to the Department of the Youth Authority, relating to state employees.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

I am reducing the appropriation contained in Senate Bill No. 1345 from \$175,000 to \$50,000.

The reduced appropriation for training contained in this bill and SB 1344 will be sufficient, when added to other budgeted and anticipated funds, to provide two weeks of pre-service training for all correctional officers, group supervisors and youth counselors hired by the Departments of Corrections and the Youth Authority in this fiscal year. This pre-service training, to be offered for the first time on a regular basis, is expected to result in a substantial improvement in the knowledge and skills of these beginning correctional workers.

With the above reduction, I approve Senate Bill No. 1345.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Department of the Youth Authority the sum of one hundred seventy-five thousand dollars (\$175,000), to be expended for the development of a training program, in conjunction with Regional Criminal Justice Training Centers to the extent feasible.

CHAPTER 1026

An act making an appropriation to the Department of Corrections, relating to correctional officers.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

I am reducing the appropriation contained in Section 1 of Senate Bill No. 1344 from \$450,000 to \$150,000, by reducing Section 1 (2) from \$350,000 to \$50,000.

The reduced appropriation for training contained in this bill and SB 1345 will be sufficient, when added to other budgeted and anticipated funds, to provide two weeks of pre-service training for all correctional officers, group supervisors and youth counselors hired by the Departments of Corrections and the Youth Authority in this fiscal year. This pre-service training, to be offered for the first time on a regular basis, is expected to result in a substantial improvement in the knowledge and skills of these beginning correctional workers.

With the above reduction, I approve Senate Bill No. 1344.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Department of Corrections from the General Fund the sum of four hundred fifty thousand dollars (\$450,000), to be allocated as follows:

(1) One hundred thousand dollars (\$100,000) for the conversion of 300 positions from the classification correctional officer to the classification correctional program supervisor; provided, however, that the State Personnel Board shall provide that the correctional program supervisors shall be selected through open, nonpromotional examinations, with career credits provided for correctional experience.

(2) Three hundred fifty thousand dollars (\$350,000) for the development of a training program, in conjunction with regional criminal justice training centers, to the extent feasible.

SEC. 2. In providing for the allocation of one hundred thousand dollars (\$100,000) for correctional program supervisor reclassifications, the Legislature finds that it has been demonstrated, to the extent that such demonstrations may realistically be expected under any circumstances, that expansion of the existing program will improve staff-inmate relationships, reduce tensions in the state prisons, enable the Department of Corrections to recruit and employ more highly qualified and competent personnel, improve counseling and program supervision services, and, in general, enhance existing rehabilitative efforts.

CHAPTER 1027

An act to repeal Section 8211 of, and to add Sections 8211, 8211.5 and 8211.8 to, the Government Code, relating to notaries public.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8211 of the Government Code is repealed.

SEC. 2. Section 8211 is added to the Government Code, to read:

8211. The fees of a notary public are set forth in this section and in Sections 8211.5 and 8211.8. The fee of a notary public for taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, is, for the first two signatures, two dollars (\$2) each, and for each additional signature, one dollar (\$1). The fee of a notary public for administering an oath or affirmation to one person and executing the jurat, including the seal, is two dollars (\$2).

SEC. 3. Section 8211.5 is added to the Government Code, to read:

8211.5. The fee of a notary public for all services rendered in connection with the taking of any deposition is the sum of five dollars (\$5), and in addition thereto, the sum of one dollar (\$1) for administering the oath to the witness and the sum of one dollar (\$1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a notary public or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original sixty-five cents (\$0.65) per 100 words, and for each copy made at the same time ten cents (\$0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original twenty cents (\$0.20) per 100 words for the first copy, and ten cents (\$0.10) per 100 words for additional copies.

In any county having a population of 5,000,000 or over, for services in reporting a deposition, a reporter shall receive not less than thirty-five dollars (\$35) for one-half day nor more than the fees of a reporter pro tempore in the superior court of the county. For services in transcribing a deposition, the reporter shall receive from the party purchasing the original and one copy not less than two dollars (\$2) per 28-line 8½ x 11-inch page, and, for each additional copy made at the same time or from all other parties purchasing a copy, the reporter shall receive not less than fifty cents (\$0.50) per page.

If a deposition is transcribed, the reporter shall not receive the compensation provided in this section for reporting the deposition.

SEC. 3. Section 8211.8 is added to the Government Code, to read:

8211.8. Except as provided in Sections 8211 and 8211.5, the fees

of a notary public are:

(a) For every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, two dollars (\$2).

(b) For serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, one dollar (\$1).

(c) For recording every protest, one dollar (\$1).

(d) For copying an affidavit, or other paper for which provision is not made herein, ten cents (\$.10) for each folio.

CHAPTER 1028

An act to amend Sections 200, 202, and 205 of, and to add Section 239 to, the Code of Civil Procedure, and to add Section 1046.5 to the Penal Code, relating to juries.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general

telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence; or,

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee.

SEC. 1.3. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence;

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee; or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

SEC. 1.5. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of

an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence; or,

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee.

SEC. 1.7. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military

officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or practicing registered pharmacist;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision (d), (e), or (f) of the preceding section; or a person who, within the last preceding three years, has served as a juror either for the completion of one trial or has made four appearances for purposes of serving as a juror, and who has requested an exemption as provided in Section 202; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination;

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence;

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee;

or,

17. A city mayor, member of a city council, or person holding a position equivalent to a president or member of a legislative body of a city.

SEC. 2. Section 202 of the Code of Civil Procedure is amended to read:

202. If a person, exempt from liability to act as a juror as provided in Section 200, be summoned as a juror, he may make and transmit his affidavit to the clerk of the court for which he is summoned, stating his office, occupation, or employment; and such affidavit shall be delivered by the clerk to the judge of the court where the name of such person is called, and if sufficient in substance, shall be received as an excuse for nonattendance in person. However, a person not otherwise exempt to serve as a juror shall be excused only in a case of extreme, serious hardship and then only if recommended by an official designated by the presiding judge and if approved by the presiding judge or another judge designated by him. The affidavit shall then be filed by the clerk.

SEC. 3. Section 205 of the Code of Civil Procedure is amended to read:

205. The selections and listings in each county shall be made at random of persons suitable and competent to serve as jurors, and in making such selections there shall be taken only the names of persons who are not exempt from serving, who are in the possession of their natural faculties, who are not infirm or decrepit, who are of fair character and approved integrity, and who are of sound judgment.

SEC. 4. Section 239 is added to the Code of Civil Procedure, to read:

239. Except in a county having a population of more than 6,000,000, any juror summoned shall be entitled to volunteer to be available on one-hour notice by telephone, in which case he would not be obligated to actually appear in court until so notified.

SEC. 5. Section 1046.5 is added to the Penal Code, to read:

1046.5. Jurors for criminal actions shall be entitled to at least the same rights or privileges as are provided for jurors in civil cases, including, but not limited to, any such rights or privileges granted by Section 239 of the Code of Civil Procedure.

SEC. 6. It is the intent of the Legislature that if this bill and Assembly Bill No. 519 or Senate Bill No. 1285, or both, are chaptered and amend Section 200 of the Code of Civil Procedure, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 519 are both chaptered and amend Section 200 of the Code of Civil Procedure, but Senate Bill No. 1285 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 519, the amendments proposed by both bills shall be given effect and incorporated in Section 200 in the form set forth in Section 1.3 of this

act. Therefore, if Assembly Bill No. 519 is chaptered before this bill and both bills amend Section 200, and Senate Bill No. 1285 is not chaptered or as chaptered does not amend that section, Section 1.3 of this act shall be operative and Sections 1, 1.5 and 1.7 of this act shall not become operative.

(b) If this bill and Senate Bill No. 1285 are both chaptered and amend Section 200 of the Code of Civil Procedure, but Assembly Bill No. 519 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 1285, the amendments proposed by both bills shall be given effect and incorporated in Section 200 in the form set forth in Section 1.5 of this act. Therefore, if Senate Bill No. 1285 is chaptered before this bill and both bills amend Section 200, and Assembly Bill No. 519 is not chaptered or as chaptered does not amend that section, Section 1.5 shall be operative and Sections 1, 1.3 and 1.7 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 519 and Senate Bill No. 1285 are all chaptered, and all three bills amend Section 200 of the Code of Civil Procedure, and this bill is chaptered after Assembly Bill No. 519 and Senate Bill No. 1285, the amendments proposed by all three bills shall be given effect and incorporated in Section 200 in the form set forth in Section 1.7 of this act. Therefore, if Assembly Bill No. 519 and Senate Bill No. 1285 are both chaptered before this bill and all three bills amend Section 200 of the Code of Civil Procedure, Section 1.7 of this act shall be operative and Sections 1, 1.3 and 1.5 of this act shall not become operative.

CHAPTER 1029

An act to amend Section 4553 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 4553 of the Labor Code is amended to read: 4553. The amount of compensation otherwise recoverable shall be increased one-half where the employee is injured by reason of the serious and willful misconduct of any of the following:

(a) The employer, or his managing representative.

(b) If the employer is a partnership, on the part of one of the partners or a managing representative or general superintendent thereof.

(c) If the employer is a corporation, on the part of an executive, managing officer, or general superintendent thereof.

But such increase of award shall in no event exceed ten thousand dollars (\$10,000); together with costs and expenses incident to

procurement of such award, not to exceed two hundred fifty dollars (\$250).

CHAPTER 1030

An act to amend Section 4036 of the Business and Professions Code, to amend Sections 11007, 11166, and 11166.02 of, and to amend Sections 11027, 11158 and 11160, as added by Assembly Bill No. 192 of the 1972 Regular Session of the Legislature, of, the Health and Safety Code, relating to prescriptions.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4036 of the Business and Professions Code is amended to read:

4036. "Prescription" means an oral order given individually for the person for whom prescribed, directly from the prescriber to the furnisher, or indirectly by means of a written order, signed by the prescriber, and shall bear the name and address of the patient, the name and quantity of the drug or device prescribed, directions for use, and the date of issue, and either rubber stamped, typed, or printed by hand or typeset the name, address, and telephone number of the prescriber, his license classification, and his federal registry number, if a controlled substance is prescribed. No person other than a physician, dentist, podiatrist or veterinarian shall prescribe or write a prescription.

Nothing in the amendments made to this section at the 1969 Regular Session of the Legislature shall be construed as expanding or limiting the right which a chiropractor, while acting within the scope of his license, may have to prescribe a device.

Except as provided in Section 4036.1, an oral prescription shall as soon as practicable be reduced to writing by the pharmacist and shall be filed by, or under the direction of, the pharmacist.

SEC. 2. Section 11007 of the Health and Safety Code is amended to read:

11007. "Prescription," as used in this division, means a prescription for a narcotic. Such a prescription is an oral order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order written in ink or indelible pencil in the handwriting of the prescriber, signed by the prescriber, and shall bear the name and address of the patient; the name and quantity of the drug or device prescribed; directions for use; the date of issue; and either rubber stamped, typed, or printed by hand or typeset the name, address, and telephone number of the prescriber, his license classification, and his federal

registry number.

SEC. 3. Section 11166 of the Health and Safety Code is amended to read:

11166. No person shall write a prescription unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by him as of the date on which it is written, and shall bear the name and address of the patient; the name and quantity of the drug or device prescribed; directions for use; the date of issue; and either rubber stamped, typed, or printed by hand or typeset at the time the prescription is written the name, address, and telephone number of the prescriber, his license classification, and his federal registry number.

SEC. 4. Section 11166.02 of the Health and Safety Code is amended to read:

11166.02. Except as provided in Section 11166.12 of this code, no person shall order or prescribe for a narcotic or fill, compound, or dispense a prescription for a narcotic unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and shall bear the name and address of the patient; the name and quantity of the drug or device prescribed; directions for use; the date of issue; and either rubber stamped, typed, or printed by hand or typeset at the time the prescription is written the name, address, and telephone number of the prescriber, his license classification, and his federal registry number.

SEC. 5. Section 11027 of the Health and Safety Code, as added by Assembly Bill No. 192 of the 1972 Regular Session of the Legislature, is amended to read:

11027. "Prescription" means an oral order for a controlled substance given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order written in ink or indelible pencil in the handwriting of the prescriber, signed by the prescriber, and shall bear the name and address of the patient; the name and quantity of the controlled substance prescribed; directions for use; the date of issue; and either rubber stamped, typed by hand or typeset, or printed the name, address, and telephone number of the prescriber, his license classification, and his federal registry number.

SEC. 6. Section 11158 of the Health and Safety Code, as added by Assembly Bill No. 192 of the 1972 Regular Session of the Legislature, is amended to read:

11158. No person shall write a prescription for a controlled substance classified in Schedule II or III unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by him as of the date on which it is written, and shall bear the name and address of the patient; the name and quantity of the controlled substance prescribed; directions for use; the date of issue; and either rubber stamped, typed, or printed by hand or typeset at the time the prescription is written the name, address, and telephone number of the prescriber, his license classification, and his federal

registry number.

SEC. 7. Section 11160 of the Health and Safety Code, as added by Assembly Bill No. 192 of the 1972 Regular Session of the Legislature, is amended to read:

11160. Except as provided in Section 11168, no person shall order or prescribe for a controlled substance classified in Schedule II or fill, compound, or dispense a prescription for such a controlled substance unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and shall bear the name and address of the patient; the name and quantity of the controlled substance prescribed; directions for use; the date of issue; and either rubber stamped, typed, or printed by hand or typeset at the time the prescription is written the name, address, and telephone number of the prescriber, his license classification, and his federal registry number.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 192 are both chaptered and affect Sections 11007, 11166, and 11166.02 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 192, that Sections 11027, 11158, and 11160 of the Health and Safety Code, as added by Assembly Bill No. 192, be amended on the operative date of this act in the form set forth in Sections 5, 6, and 7 of this act to incorporate the changes proposed by this bill. Therefore, Sections 5, 6, and 7 of this act shall become operative only if Assembly Bill No. 192 is chaptered before this bill and affects Sections 11007, 11166, and 11166.02 of the Health and Safety Code, and in such case Sections 5, 6, and 7 of this act shall become operative on the operative date of this act and Sections 2, 3, and 4 of this act shall not become operative.

SEC. 9. This act shall become operative on July 1, 1973.

CHAPTER 1031

An act to amend Section 7 of Chapter 1357 of the Statutes of 1970, relating to gravel beds.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of Chapter 1357 of the Statutes of 1970 is amended to read:

Sec. 7. The provisions of this act shall remain in effect until the 61st day after the final adjournment of the 1976 Regular Session of the Legislature, and shall have no force and effect after that date.

CHAPTER 1032

An act to add Section 450.3 to the Business and Professions Code, relating to public members.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 450.3 is added to the Business and Professions Code, to read:

450.3. No public member shall either at the time of his appointment or during his tenure in office have any financial interest in any organization subject to regulation by the board, commission or committee of which he is a member.

CHAPTER 1033

An act to amend Section 2690 of the Penal Code, relating to the state correctional system.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2690 of the Penal Code is amended to read:

2690. The Director of Corrections may authorize the temporary removal from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, including removal for the purpose of attending college classes. The director may require that such temporary removal be under custody. Unless the inmate is removed for medical treatment, the removal shall not be for a period longer than three days. The director may require the inmate to reimburse the state, in whole or in part, for expenses incurred by the state in connection with such temporary removal other than for medical treatment.

CHAPTER 1034

An act to amend Section 13737 of, and to add and repeal Section 13727.2 of the Education Code, relating to classified employees.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13727.2 is added to the Education Code, to read:

13727.2. In a unified school district with an average daily attendance in excess of 400,000, provisional appointments may be made in excess of the limits prescribed in Section 13727, under the conditions set forth below:

(a) When the duties and responsibilities of not more than five existing positions are changed in connection with an experimental change in the organization of business management of individual schools, and

(b) When the personnel commission finds that the new duties and responsibilities are properly allocated to a higher classification, and

(c) When there is no eligibility list for the higher classification, and

(d) When the present incumbents continue in the same positions with the additional duties and responsibilities.

Such provisional appointments may continue for the duration of the experimental change in organization, but for not more than one year, except that they may be extended for not more than six months, with the approval of the personnel commission, when necessary to complete evaluation of the experiment or transition to a permanent organization.

This section shall be operative until the 91st day after final adjournment of the 1973 Regular Session of the Legislature, and shall thereupon be repealed.

SEC. 2. Section 13737 of the Education Code is amended to read:

13737. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

CHAPTER 1035

An act to amend Sections 20605 and 21252.6 of, and to add Sections 20750.426 and 22013.3 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20605 of the Government Code, as amended by Chapter 96 of the Statutes of 1971, is amended to read:

20605. For each law enforcement member and each local safety member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 7 percent of compensation paid on and after such operative date.

The normal rate of contribution as established under this section for a member whose service is included in the federal system shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400). The reduction in contribution under this paragraph shall not apply to compensation for services of a member after the date upon which coverage under the federal system of members in his employment is terminated.

The operative date of this section with respect to a local safety member shall be the date upon which he becomes subject to Section 21252.6.

SEC. 1.5. Section 20750.426 is added to the Government Code, to read:

20750.426. An employer's contribution to the retirement fund in respect to law enforcement members provided by any and all other provisions of this chapter is increased by a sum equal to 1.30 percent of the compensation paid such members.

SEC. 2. Section 21252.6 of the Government Code, as amended by Chapter 1452 of the Statutes of 1971, is amended to read:

21252.6. The combined prior and current service pension for a law enforcement member, other than such member defined in Section 20017.7, subdivision (a) of Section 20017.75 or Section 20017.8 of this code, and a local safety member with respect to service to a contracting agency subject to this section, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of law enforcement, police, fire, or county peace officer service which is credited to him as a law enforcement member or a local safety member subject to this section at retirement. Notwithstanding the preceding sentence, this section shall apply to the current and

prior service pension for any other law enforcement member based on service to which it would have applied had the member, on July 1, 1971, been in employment described in Section 20017.77 of this code.

In no event shall the total pension for all service under this section exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of service in which he is subject to this section.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section. The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system. The reduction in percentage of final compensation under this paragraph shall not apply to any service of a member retiring after the termination of coverage under the federal system of members in his employment.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

Upon such election by a contracting agency subject to Section 21252.1, this section shall not apply to a local safety member then employed who entered such employment after attaining age 30, and Section 21252.1 shall continue to apply to such member unless and until he terminates such employment and more than 30 days thereafter enters employment otherwise subject to this section. Upon such later entry into employment, the member will be subject to this section with respect to all service as a local safety member

rendered to any employer subject to this section.

This section shall not apply to a person who is a law enforcement member on its operative date and who entered law enforcement service after attaining age 30 unless such person elects in writing to be subject to this section and the election is filed in the office of the board within 30 calendar days following the operative date of this section.

SEC. 3. Section 22013.3 is added to the Government Code, to read:

22013.3. "Policeman" as used in this part also includes persons employed in positions set forth in Section 20017.77; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "policeman" issued by the federal agency for the purposes of Section 218(d) (5) (A) of the Social Security Act.

SEC. 4. This act shall not become operative until such time as a ruling or regulation authorizing the inclusion of persons employed in positions set forth in Section 20017.77 within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d) (5) (A) of the Social Security Act.

CHAPTER 1036

An act to add Article 2.3 (commencing with Section 8720) to Chapter 15 of Division 3 of the Business and Professions Code, relating to land surveyors.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Article 2.3 (commencing with Section 8720) is added to Chapter 15 of Division 3 of the Business and Professions Code, to read:

Article 2.3. Land Surveyors Review Committees

8720. The board, when it deems necessary, may establish land surveyors review committees to hear all matters assigned by the board, including, but not limited to, any contested case which is assigned by the board. Each committee shall exist so long as the board deems that it is necessary.

8720.1. Each review committee shall consist of no fewer than three licensed land surveyors appointed by the board. Each member of a committee shall have the same qualifications and shall be subject to the same rules and regulations as if he were a member of the board.

8720.2. Each member of a committee shall receive a per diem

and expenses as provided in Section 103.

8720.3. Except as otherwise provided in this article, all hearings which are conducted by a committee shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

If a contested case is heard by a committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

8720.4. At the conclusion of any hearing which is conducted by a committee, the committee shall prepare a proposed decision, in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board. The proposed decision shall be subject to the same procedure as the proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

8720.5. The board may adopt, amend or repeal, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are necessary to implement the provisions of this article.

CHAPTER 1037

An act to add Sections 25422.8 and 25427.6 to the Education Code, relating to community colleges.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25422.8 is added to the Education Code, to read:

25422.8. The governing board of any school district maintaining a community college may make a charge of one dollar (\$1) for furnishing and verifying each transcript of the record of any community college student or any former community college student in excess of two copies.

SEC. 2. Section 25427.6 is added to the Education Code, to read:

25427.6. The governing board of any school district maintaining a community college may impose a late application fee of not to exceed two dollars (\$2) for any application for admission or readmission which is filed after the date established by the governing board for the filing of applications for admission or readmission to the community college.

CHAPTER 1038

An act to add Section 1604.2 to the Revenue and Taxation Code, relating to local equalization proceedings.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1604.2 is added to the Revenue and Taxation Code, to read:

1604.2. If real property is acquired after the lien date for the fiscal year and before the first day of such fiscal year and if the new owner of such real property did not receive the notice required by Section 619 with respect to such property, the new owner or his agent may, under rules adopted by the board of supervisors, file the application described in Section 1607 at any time after the time prescribed in such section and before November 15 for a hearing before the county board of equalization or the assessment appeals board to equalize the assessment of such property as though such assessment had been made outside the regular assessment period.

SEC. 2. The provisions of this act shall apply to assessments made for the 1973-1974 fiscal year and fiscal years thereafter.

CHAPTER 1039

An act to add Article 1 (commencing with Section 24725) to Chapter 13 of Division 18 of the Education Code, relating to Fresno State College.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 1 (commencing with Section 24725) is added to Chapter 13 of Division 18 of the Education Code, to read:

Article 1. Fresno State College

24725. Notwithstanding any other provision of law, the Director of General Services, with the approval of the State Public Works Board and the Trustees of the California State Colleges and University, may rent, lease, sell, trade, or otherwise dispose of the property belonging to the state and used as Fresno State College Ratcliffe Stadium, located on Blackstone Avenue between University Avenue and Cambridge Avenue in the City of Fresno, California.

All proceeds derived from such rental, lease, sale, trade, or other

disposition shall be used for the acquisition, construction, improvement, or leasing of an athletic stadium for Fresno State College, and are hereby appropriated for the purposes described herein without regard to fiscal year.

CHAPTER 1040

An act to add Chapter 7.9 (commencing with Section 25885) to Division 20 of the Health and Safety Code, relating to pottery.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.9 (commencing with Section 25885) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.9. GLAZED CERAMIC TABLEWARE

25885. As used in this chapter, "glazed ceramic tableware" means any glazed ceramic article, container, or utensil which may be usable for the preparation, serving, or storage of food and drink.

25886. (a) After January 1, 1974, it shall be unlawful to manufacture or import for sale in this state any glazed ceramic tableware which releases lead in excess of 7 parts per million or cadmium in excess of 0.5 parts per million when tested according to the test procedures specified by the Food and Drug Administration test procedure LIB-834. A sample of ceramic tableware so tested shall be deemed to be in violation of this section if any sample tested contains more than 7 micrograms of lead per milliliter of leaching solution or 0.5 micrograms of cadmium per milliliter of leaching solution.

(b) The state department shall require that a certificate of acceptability be obtained by a manufacturer or importer of any pattern of glazed ceramic tableware which glaze contains lead or cadmium, and which is manufactured for sale or imported for sale within the state. The state department shall issue a certificate of acceptability upon receipt of satisfactory evidence that each manufacturer or importer is not in violation of subdivision (a) if (i) the manufacturer or importer maintains his own testing program for glazed ceramic tableware which is acceptable to the state department and he submits his testing results to the state department; or (ii) the manufacturer or importer submits the results obtained from tests conducted by an independent laboratory which is acceptable to the state department. In addition to the foregoing, where deemed necessary by the state department, it may require that the manufacturer or importer submit such finished samples of

ceramic tableware and appropriate accompanying data to the state department as it may reasonably require.

(c) In order to obtain such certificate a manufacturer or importer shall make application to the state department. The application shall be on a form provided by the state department and shall be accompanied by results of any tests required under subdivision (b).

25887. It is the intent of the Legislature that the program authorized pursuant to this chapter be entirely self-supporting, and for this purpose the state department is authorized to establish a schedule of fees for applications for certificates of acceptability which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient to cover all costs incurred in the administration of this chapter.

25888. Glazed ceramic ware which is in violation of Section 25886, and is intended for ornamental or decorative use, but which could reasonably be mistaken for an eating or cooking utensil or a utensil for the serving or storing of food or drink, may be manufactured or imported for sale in this state without a certificate of acceptability provided that each such article carries a fired-in precautionary label, as follows:

UNSAFE FOR FOOD

25889. Any person who violates any provision of this chapter or any rule or regulation promulgated pursuant thereto is guilty of a misdemeanor.

CHAPTER 1041

An act to add Section 129 to the Business and Professions Code, relating to the Department of Consumer Affairs.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 129 is added to the Business and Professions Code, to read:

129. (a) As used in this section, "board" means every board, bureau, commission, committee and similarly constituted agency in the department which issues licenses.

(b) Each board shall, upon receipt of any complaint respecting a licentiate thereof, notify the complainant of the initial administrative action taken on his complaint within 10 days of receipt. Each board shall thereafter notify the complainant of the final action taken on his complaint. There shall be a notification made in every case in which the complainant is known. If the complaint is not within the

jurisdiction of the board or if the board is unable to dispose satisfactorily of the complaint, the board shall transmit the complaint together with any evidence or information it has concerning the complaint to the agency, public or private, whose authority in the opinion of the board will provide the most effective means to secure the relief sought. The board shall notify the complainant of such action and of any other means which may be available to the complainant to secure relief.

(c) The board shall, when the board deems it appropriate, notify the person against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the licentiate in order to mediate the complaint. Nothing in this subdivision shall be construed as authorizing or requiring any board to set or to modify any fee charged by a licentiate.

(d) It shall be the continuing duty of the board to ascertain patterns of complaints and to report on all actions taken with respect to such patterns of complaints to the director and to the Legislature at least once a year. The board shall evaluate those complaints dismissed for lack of jurisdiction or no violation and recommend to the director and to the Legislature at least once a year such statutory changes as it deems necessary to implement the board's functions and responsibilities under this section.

(e) It shall be the continuing duty of the board to take whatever action it deems necessary, with the approval of the director, to inform the public of its functions under this section.

CHAPTER 1042

An act to add and repeal Section 17525.1 to the Education Code, relating to state school support.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17525.1 is added to the Education Code, to read:

17525.1. Upon application of a school district governing board, the Superintendent of Public Instruction may grant a waiver from the provisions of Section 17523 when he has made a determination that, due to unusual circumstances existing in the district, the applicable ratios of teaching to nonteaching personnel of the district as prescribed therein do not best serve the educational needs of the pupils of the district and that failure to grant the waiver would result in extreme hardship to the district. Such waiver shall be limited to not more than three administrative positions.

The Superintendent of Public Instruction shall submit a report to the Legislature by the fifth calendar day of each regular session of the number of waivers and the reasons for granting such waivers pursuant to this section.

This section shall remain in effect only until July 1, 1975, and as of that date is repealed.

CHAPTER 1043

An act to add Section 14026 to the Welfare and Institutions Code, relating to improper use of a Medi-Cal card or labels.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 14026 is added to the Welfare and Institutions Code, to read:

14026. It is a misdemeanor for a Medi-Cal beneficiary to furnish, give or lend his Medi-Cal card or labels to any person other than a provider of service as required under Medi-Cal regulations.

It is a misdemeanor for any person who knows he is not eligible for Medi-Cal benefits to represent himself to any health care provider as a Medi-Cal beneficiary.

CHAPTER 1044

An act to amend Section 61765 of the Government Code, relating to districts.

[Approved by Governor August 17, 1972. File with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 61765 of the Government Code is amended to read:

61765. A district may fix, on or before the first day of July in each calendar year, a water standby or availability charge not to exceed ten dollars (\$10) per year for each acre of land, or six dollars (\$6) per year for each parcel of land of less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not. The board of directors of a district which fixes such a charge may establish schedules varying the charges depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, and the

amount of water used by the land. The board may restrict charges to lands lying within one or more improvement districts within the community service district.

CHAPTER 1045

An act to amend Section 39297.3 of the Health and Safety Code, relating to burning.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 39297.3 of the Health and Safety Code is amended to read:

39297.3. Nothing in this chapter shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance. No material may be burned pursuant to this section unless (a) burning is permitted on the day pursuant to Section 39298, and (b) the material has been prepared by stacking, drying, or other methods to promote combustion as specified by the air pollution control officer.

CHAPTER 1046

An act to amend Section 27443 of, and to add Section 27443.5 to, the Government Code, and to amend Section 800 of the Penal Code, relating to public officers.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 27443 of the Government Code is amended to read:

27443. Every person holding the office of public administrator, public guardian, or public conservator and any deputy or agent of such officer is guilty of a crime who:

(a) Purchases, directly or indirectly, the property of any estate or a claim against any estate administered by any public administrator, public guardian, or public conservator in his official capacity, or

(b) Acts upon any transaction or expenditure in connection with the administration of an estate by the public administrator, public guardian, or public conservator in his official capacity, when he has a financial interest in such transaction or expenditure, or, having

knowledge of such interest, is associated in business with anyone who has such an interest.

Subdivisions (a) and (b) shall not be applicable to any act specifically authorized by court order.

Any violation of this section is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years. Upon conviction of this section a person forfeits his office. This section is not intended to preclude prosecution under any other provisions of the criminal law which are otherwise applicable.

SEC. 1.5. Section 27443.5 is added to the Government Code, to read:

27443.5. Employees in the office of public administrator, public guardian, or public conservator shall be subject to the provisions of Section 27443; provided that, the restrictions of Section 27443 shall apply only with respect to the administration of estates by their employing officer.

SEC. 2. Section 800 of the Penal Code, as amended by Chapter 954 of the 1971 Regular Session, is amended to read:

800. An indictment for any felony, except murder, voluntary manslaughter, involuntary manslaughter, the embezzlement of public money, the acceptance of a bribe by a public official or a public employee, grand theft, forgery, the falsification of public records, a violation of Section 72, 118, 118a, or 209 of the Penal Code, or Section 1090 or 27443 of the Government Code, shall be found, an information filed, or case certified to the superior court within three years after its commission. An indictment for the acceptance of a bribe by a public official or a public employee, a felony, shall be found, an information filed, or case certified to the superior court within six years after its commission. An indictment for grand theft, forgery, voluntary manslaughter, or involuntary manslaughter, a violation of Section 72, 118 or 118a of the Penal Code, or Section 1090 or 27443 of the Government Code, shall be found, an information filed, or case certified to the superior court within three years after its discovery.

CHAPTER 1047

An act to amend Section 24073 of, and to add Section 24074.3 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24073 of the Business and Professions Code is amended to read:

24073. No retail license limited in numbers, off-sale beer and wine license, on-sale beer and wine license, on-sale beer and wine public premises license, on-sale beer license, on-sale beer public premises license, or on-sale general license for seasonal business, shall be transferred unless before the filing of the transfer application with the department the licensee or the intended transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

- (a) The name and address of the licensee.
- (b) The name and address of the intended transferee.
- (c) The kind of license or licenses intended to be transferred.
- (d) The address or addresses of the premises to which the license or licenses have been issued.

(e) An agreement between the parties to the transfer that the consideration for the transfer of the business and license or licenses, if any there be, is to be paid only after the transfer is approved by the department.

(f) The place where the purchase price or consideration for the transfer of the business and license or licenses is to be paid, the amount of such purchase price or consideration, and a description of the entire consideration, including a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof.

(g) The name and address of the escrow holder referred to in Section 24074 of this division.

A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the department together with a transfer application.

SEC. 2. Section 24074.3 is added to the Business and Professions Code, to read:

24074.3. Within 30 days after the filing of an application for transfer of a license referred to in Section 24073, the intended transferee shall file with the department a statement executed under penalty of perjury that the purchase price or consideration as set forth in the escrow agreement required by Section 24074 has been deposited with the escrowholder. At the time such statement is filed with the department copies thereof shall be submitted by the intended transferee to the transferor and the escrowholder concerned. The 30-day period specified by this section may be extended by the department for good cause; however, the license shall not be transferred until the statement required by this section is received by the department.

CHAPTER 1048

An act to amend Section 7114 of, and to add Section 7151.6 to, the Health and Safety Code, relating to human remains.

[Approved by Governor August 17, 1972 Filed with
Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 7114 of the Health and Safety Code is amended to read:

7114. Any person who performs, permits or assists at, an autopsy on a dead body without having first obtained (a) the authorization of the deceased in writing, including, but not limited to, the last will of the deceased; or (b) the authorization in writing of the person designated by Section 7100 of this code as having the right to control the disposition of the remains of the deceased; or (c) in the case of a cemetery authority or a licensed funeral director or a licensed hospital or its agents or a physician, the written or verbal authorization described in Section 7113 or 7151.6 of this code, is guilty of a misdemeanor, except that this section shall not be applicable to the performance of an autopsy by the coroner or other officer authorized by law to perform autopsies.

SEC. 2. Section 7151.6 is added to the Health and Safety Code, to read:

7151.6. When all of the persons enumerated in subdivisions (a) to (e), inclusively of Section 7151.5 are determined after diligent search to be not available, then, subject to Section 7151.7, any specified parts of the decedent's body may be given to any of the donees for any of the purposes stated in Section 7153.5. Such determination of nonavailability shall be made only by a hospital which is accredited by the Joint Commission on Accreditation of Hospitals. The hospital shall certify such nonavailability and shall authorize and specify the removal and donation of such parts. Such search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent, before his death, in a hospital, accompanying the decedent's body, or reporting the death in order to obtain information which might lead to the location of any persons who might be authorized to consent to such donation. The search may be initiated in anticipation of death but the determination of nonavailability may not be made until such search has been underway for at least 24 hours. Any such determination of nonavailability shall be made only after examination of all evidence leads to the conclusion that no relatives are available. Any such determination shall be subject to a review by such office as is designated by the board of supervisors of the county in which the death occurs.

A cemetery authority, a licensed funeral director, a physician, or any authorized assistant of a cemetery authority, licensed funeral

director, or physician is not liable for performing an autopsy and donating specified body parts pursuant to such authorization unless such person or authority has actual notice that such representation of nonavailability is untrue at the time of the autopsy.

CHAPTER 1049

An act to amend Section 11546 of the Business and Professions Code, relating to division of lands.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

The provisions of this section do not apply to industrial subdivisions.

Land or fees required under this section may be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting such land or fees shall develop the land or use the fees in the manner

provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

If there is no such special purpose local agency, the governing body of a city or county may still require compliance with the provisions of this section.

SEC. 2. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, or parcel map for a division of land not defined as a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or of a parcel map for a division of land not defined as a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision or division of land not defined as a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

The provisions of this section do not apply to industrial subdivisions or to divisions of land for industrial purposes which divisions are not defined as subdivisions.

Land or fees required under this section may be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting such land or fees shall develop the land or use the fees in the manner provided herein.

In the event park and recreational services and facilities are

provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

If there is no such special purpose local agency, the governing body of a city or county may still require compliance with the provisions of this section.

SEC. 3. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Land or fees required under this section may be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting such land or fees shall develop the land or use the fees in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

If there is no such special purpose local agency, the governing body of a city or county may still require compliance with the provisions of this section.

SEC. 4. Section 11546 of the Business and Professions Code is amended to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, or parcel map for a division of land not defined as a subdivision, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or of a parcel map for a division of land not defined as a subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision or division of land not defined as a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision or division of land not defined as a subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision or division of land not defined as a subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less or in divisions of land not defined as subdivisions.

The provisions of this section do not apply to industrial subdivisions or to divisions of land for industrial purposes which divisions are not defined as subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

Land or fees required under this section may be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if the agency elects to accept the land or fee. The local agency accepting such land or fees shall develop the land or use the fees in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public

agency.

If there is no such special purpose local agency, the governing body of a city or county may still require compliance with the provisions of this section.

SEC. 5. It is the intent of the Legislature that if this bill and Assembly Bill No. 376 or Assembly Bill No. 1363, or both, are chaptered and amend Section 11546 of the Business and Professions Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Assembly Bill No. 376 are both chaptered and amend Section 11546 of the Business and Professions Code, but Assembly Bill No. 1363 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 376, the amendments proposed by both bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 2 of this act. Therefore, if Assembly Bill No. 376 is chaptered before this bill and both bills amend Section 11546 and Assembly Bill No. 1363 is not chaptered or as chaptered does not amend that section, Section 2 of this act shall be operative and Sections 1, 3 and 4 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 1363 are both chaptered and amend Section 11546 of the Business and Professions Code, but Assembly Bill No. 376 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 1363, the amendments proposed by both bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 3 of this act. Therefore, if Assembly Bill No. 1363 is chaptered before this bill and both bills amend Section 11546, and Assembly Bill No. 376 is not chaptered or as chaptered does not amend that section, Section 3 shall be operative and Sections 1, 2 and 4 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 376 and Assembly Bill No. 1363 are all chaptered, and all three bills amend Section 11546 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 376 and Assembly Bill No. 1363, the amendments proposed by all three bills shall be given effect and incorporated in Section 11546 in the form set forth in Section 4 of this act. Therefore, if Assembly Bill No. 376 and Assembly Bill No. 1363 are both chaptered before this bill and all three bills amend Section 11546 of the Business and Professions Code, Section 4 of this act shall be operative and Sections 1, 2 and 3 of this act shall not become operative.

CHAPTER 1050

An act to add Section 18747.3 to the Business and Professions Code, relating to professional boxing.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 18747.3 is added to the Business and Professions Code, to read:

18747.3. The commission or the executive officer or any other employee duly authorized by the commission shall have the power to order the promoter to withhold 10 percent of the total purse payable to a contestant if the manager of the contestant does not present an itemized statement of expenses, incurred in connection with the contest, at the time the promoter is to pay the purse. The money so withheld shall be paid to the commission and shall be held in trust for payment to the contestant or his manager upon presentation by the manager to the commission of the itemized statement of expenses.

CHAPTER 1051

An act to amend Section 576 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 576 of the Streets and Highways Code is amended to read:

576. Route 276 is from Route 198 near Three Rivers to Oak Grove.

CHAPTER 1052

An act relating to Indian education, and making an appropriation therefor.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972]

I am reducing the appropriation contained in Section 9 of Senate Bill No. 1258 from \$1,500,000 to \$500,000 by reducing the appropriation for the 1972-73 fiscal year from \$500,000 to \$100,000, by reducing the appropriation for the 1973-74 fiscal year from \$500,000 to \$400,000, and deleting the appropriation for the 1974-75 fiscal year.

The reduced appropriation for 1972-73 reflects the fact the program will be in effect

for only a part of the current fiscal year. The reduced appropriation for 1973-74 appears to be a proper level of support for the first full year of operation. The appropriation for 1974-75 has been deleted because I believe that this program should be subject to the full budgetary review process.

With the above reduction, I approve Senate Bill No. 1258

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. It is the intent and purpose of the Legislature that the Indian program provided for by this act shall be directed to improve the educational accomplishments of Indian students in the rural educational systems in California.

Not more than 10 Indian pilot projects in the rural public schools designed to develop and test educational models which increase competence in reading and mathematics shall be undertaken.

It is the intent of the Legislature to establish a three-year pilot project in Indian education. Such instructional projects shall be provided in prekindergarten to grade 4.

The Legislature recognizes the importance of Indian parent-community involvement in the planning, implementing, and evaluation of such Indian programs.

SEC. 2. As used in this act:

(a) "Board" means the State Board of Education.

(b) "Superintendent" means the Superintendent of Public Instruction.

(c) "Project" means an organized undertaking in Indian education which includes, but is not limited to (1) a description of the undertaking, (2) a listing of the goals and objectives to be achieved, (3) a statement of methods to be used, and (4) the methods to be used in evaluating the success of the project.

SEC. 3. From the funds appropriated therefor by the Legislature to the Department of Education for the purposes of this act, the superintendent, with the approval of the board shall administer this act and make apportionments to school districts to meet the total approved expense of the school districts incurred in establishing Indian education programs.

SEC. 4. The governing board of any rural school district receiving equalization aid, having a school in which there is a concentration of 10 percent or more of Indian students, and which maintains prekindergarten through grade 4 or kindergarten through grade 4, may apply to the superintendent for a project in Indian education.

The governing boards of two or more such school districts may jointly apply for a project in Indian education.

The application shall be made on forms provided by the superintendent, and in accordance with the rules and regulations adopted by the board.

The dates for making application shall be established by the superintendent.

SEC. 5. Upon approval by the board of an application under this

chapter, the superintendent shall certify the amount to be apportioned to the applicant school district.

SEC. 6. Each school district receiving funds provided by this act shall establish a districtwide Indian advisory committee for Indian education.

At each school participating, an Indian parent advisory group shall be established to increase communication and understanding between members of a community and the school officials. Each committee shall provide advice and suggestions on all parts of the program.

SEC. 7. The superintendent shall submit an annual report to the Legislature, and upon completion of the pilot programs, a final report concerning the implementation and evaluation of the Indian education programs. The reports shall include the achievement of the students, costs of each program detailed in terms of design, implementation, and continuing operating expense. They shall also include recommendations concerning improvement, retention, extension, or other aspects of the programs.

SEC. 8. It is the intent of the Legislature that scholarships be made available for the education of Indian students at institutions of higher education.

To assist in the attainment of this goal, the State Scholarship and Loan Commission may appoint an advisory committee composed of not more than five individuals who are experienced in problems of education for Indian students.

SEC. 9. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education the sum of one million five hundred thousand dollars (\$1,500,000) for the purposes of this act, to be apportioned according to the following schedule:

For the 1972-1973 fiscal year	\$500,000
For the 1973-1974 fiscal year	500,000
For the 1974-1975 fiscal year	500,000

CHAPTER 1053

An act to amend Sections 280, 282, 310, 321, 322, 323, and 450 of the Elections Code, relating to elections.

[Approved by Governor August 17, 1972 Filed with Secretary of State August 17, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 280 of the Elections Code is amended to read:

280. The county clerk shall provide original and duplicate blank forms for the affidavits of registration, which shall be bound together

in books or pads. Each original shall be attached by perforated line to a stub which contains a line for the name and spaces for the residence, residence telephone number, and precinct of the person registered.

Each original, duplicate, and stub shall bear the same number. The numbering shall begin with one and continue in a sequence until all of the blanks provided are numbered. The numbering shall begin anew with each 1,000,000 affidavits of registration. Each set of numbers shall be designated alphabetically as a series, beginning with series A, following the first 1,000,000.

SEC. 2. Section 282 of the Elections Code is amended to read:

282. When any elector is registered, his name, residence, residence telephone number if furnished, and precinct shall be entered on the stub attached to the original affidavit. If for any cause the affidavit is spoiled in the course of execution or a mistake is made, the affidavit shall not be removed from the pad or book, but the name of the elector for whom it was intended, with his residence and precinct, shall be entered on the stub as in other cases, and the stubs and affidavits each marked with the word "spoiled."

SEC. 3. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence; residence telephone number, if furnished; and post office address with sufficient particularity to identify it and to determine affiant's voting precinct. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his telephone number, and shall be so advised by the registration clerk or deputy registrar.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed post card provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number, and shall be so advised by the registration clerk or deputy registrar.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) Whether the affiant has been convicted of a felony which disqualifies him from voting. (Not all felony convictions disqualify him from voting.)

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 4. Section 321 of the Elections Code, as amended by Section 1 of Chapter 1760 of the Statutes of 1971, is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ Precinct in said county and request that said registration be canceled.
---	---

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States, and a resident of the state one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____

Streets, _____ floor, Room ____, and my residence telephone number is _____. (If telephone number is not given, write or stamp "None" or "Declines to state" as appropriate.)

- 4. My occupation is _____.
- 5. My height is _____ feet _____ inches.
- 6. I was born in _____.

(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

- a. Decree of court.
- b. { Father's naturalization.
- { Mother's naturalization.
- c. Citizenship of father.
- d. Marriage to a citizen.
- e. Naturalization of my husband.
- f. Act of Congress.
- g. Treaty.

Where { city } _____
 { state }

My { father's } name is (was) _____
 { husband's }
 { mother's }

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ Party. (If affiliation is not given, write or stamp "Declines to state.")

10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)

11. My social security number is _____ (may be omitted).

(Affiant sign here.)

Residence _____

Subscribed and sworn to before me this _____ day of _____, 19____.

County Clerk.

By _____
Deputy County Clerk.

Assembly District _____

Post office address is _____ Precinct _____

Rural Route No. _____ Box No. _____

SEC. 5. Section 322 of the Elections Code is amended to read:
322. Each original and duplicate affidavit of registration shall

include a stub 2½ inches in width, separated from the body of the affidavit by a perforated line. Upon the stub shall be printed the number of the affidavit and blanks for the following:

(a) The name, residence, residence telephone number if furnished, occupation, political affiliation, and signature of the voter.

(b) The signature of the registration clerk or deputy registrar taking the registration.

(c) The date.

There shall also be printed in the right-hand margin of the stub of the original affidavit the words "Office Stub," and in the right-hand margin of the stub of the duplicate affidavit the words "Voter's Stub." These words shall be printed in 24-point blackface type.

At the time of registering the voter, the registration clerk or deputy registrar shall fill in the blanks in the stub, and require the voter to sign the stub in the place provided. He shall then detach the stub from the duplicate affidavit and hand the stub to the voter.

SEC. 6. Section 323 of the Elections Code is amended to read:

323. In lieu of a stub or stubs to the original and duplicate affidavit of registration, as provided for in Section 322, the county clerk may provide original and duplicate blank forms for the affidavits of registration together with a triplicate form upon which shall be printed blanks for that portion of the affidavit to include the following:

(a) The name, residence, residence telephone number if furnished, occupation, political affiliation, and signature of the voter.

(b) The signature of the registration clerk or deputy registrar taking the registration.

(c) The date.

Each original, duplicate, and triplicate shall bear the same number and on the left-hand margin of the duplicate affidavit shall appear the words "Office Copy," and on the left-hand margin of the triplicate form shall appear the words "Voter's Copy." These words shall be printed in not less than 24-point blackface type.

At the time of registering the voter, the registration clerk or deputy registrar shall detach only the triplicate form from the pad and hand it to the voter.

SEC. 7. Section 450 of the Elections Code is amended to read:

450. At least once, and oftener if he deems it necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing. The county clerk shall keep a copy of such index on file as a public record for a period of five years. The index shall contain the name, address, residence telephone number if furnished, and political affiliation of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters. The name shall include the given name and the middle name or initials, if any. If the name is that of a woman, the given name shall

be preceded by the designation "Miss" or "Mrs." The index shall be printed in a size no smaller than eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

SEC. 8. The provisions of this act shall become operative on January 1, 1974.

CHAPTER 1054

An act to amend Section 19545 of the Business and Professions Code, relating to horseracing.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 19545 of the Business and Professions Code is amended to read:

19545. The California State Fair and Exposition or the California State Exposition and Fair or a county or district agricultural association fair, which conducts a horseracing meeting during the preceding year at which the total amount handled in the parimutuel pools operated by the association is not more than one hundred twenty-five million dollars (\$125,000,000) shall be exempt from payment of that portion of the license fee subject to the provisions of Section 19491 on the amount handled by it under fifty million dollars (\$50,000,000).

CHAPTER 1055

An act to add Section 38109 to the Health and Safety Code, to amend, repeal, and add Section 5325 of, and to add Section 7518 to, the Welfare and Institutions Code, relating to mentally retarded persons.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 38109 is added to the Health and Safety Code, to read:

38109. In accordance with this section, the person in charge of a regional center which has placed a mentally retarded person in an out-of-home placement may give consent to medical, dental, and surgical treatment of the mentally retarded person and provide for such treatment to be given to the person.

If the retardate's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the person in charge of the regional center for the granting or denying of consent for such treatment, the person in charge of the regional center may consent, on behalf of the mentally retarded person, to such treatment and provide for such treatment to be given to such person.

If the retardate has no parent, guardian, or conservator legally authorized to consent to medical, dental, or surgical treatment on behalf of the retardate, the person in charge of the regional center may consent to such treatment on behalf of the retardate and provide for such treatment to be given to the retarded person. The person in charge of the regional center shall immediately thereupon also initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical services.

If the mentally retarded person is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the retardate on the retardate's behalf only if the retarded person is mentally incapable of giving his own consent.

SEC. 2. Section 5325 of the Welfare and Institutions Code is amended to read:

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part, each person admitted as a voluntary patient to a state hospital, a private mental institution, or a county psychiatric hospital, and each mentally retarded person committed to a state hospital pursuant to Article 5 (commencing with Section 6500), Chapter 2 of Part 2 of Division 6 shall have the following rights, a list of which shall be prominently posted in English and Spanish in all facilities providing such services and otherwise brought to his attention by such additional means as the Director of Mental Hygiene may designate by regulation:

(a) To wear his own clothes; to keep and use his own personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.

(b) To have access to individual storage space for his private use.

(c) To see visitors each day.

(d) To have reasonable access to telephones, both to make and receive confidential calls.

(e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

- (f) To refuse shock treatment.
- (g) To refuse lobotomy.
- (h) Other rights, as specified by regulation.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 3. Section 5325 is added to the Welfare and Institutions Code, to read:

5325. Each person involuntarily detained for evaluation or treatment under provisions of this part, each person admitted as a voluntary patient to a state hospital, a private mental institution, or a county psychiatric hospital, and each mentally retarded person committed to a state hospital pursuant to Article 5 (commencing with Section 6500), Chapter 2 of Part 2 of Division 6 shall have the following rights, a list of which shall be prominently posted in English and Spanish in all facilities providing such services and otherwise brought to his attention by such additional means as the Director of Health may designate by regulation:

- (a) To wear his own clothes; to keep and use his own personal possessions including his toilet articles; and to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases.
- (b) To have access to individual storage space for his private use.
- (c) To see visitors each day.
- (d) To have reasonable access to telephones, both to make and receive confidential calls.
- (e) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.
- (f) To refuse shock treatment.
- (g) To refuse lobotomy.
- (h) Other rights, as specified by regulation.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 4. Section 7518 is added to the Welfare and Institutions Code, to read:

7518. In accordance with this section, the medical director of a state hospital with programs for mentally retarded patients, may give consent to medical, dental, and surgical treatment of a minor mentally retarded patient of the hospital and provide for such treatment to be given to the patient.

If the patient's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the medical director for the granting or denying of consent for such treatment, the medical director may consent, on behalf of the patient, to such treatment and provide for such treatment to be given the patient.

If the patient has no parent, guardian, or conservator legally authorized to consent to medical, dental, or surgical treatment on behalf of the patient, the medical director may consent to such treatment on behalf of the patient and provide for such treatment

to be given to the patient. The medical director shall immediately thereupon also request the appropriate regional center for the mentally retarded to initiate or cause to be initiated proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical treatment.

If the patient is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the patient on the patient's behalf only if the patient is mentally incapable of giving his own consent.

SEC. 5. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 5325 of the Welfare and Institutions Code, as amended by Section 2 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 5325 of the Welfare and Institutions Code, as added by Section 3 of this act, which includes the changes in Section 5325 made by both Reorganization Plan No. 1 of 1970 and Section 2 of this act, shall become operative.

CHAPTER 1056

An act to amend Section 2924 of, and to add Sections 2924f, 2924g, and 2924h to, and to repeal Section 2924d of, the Civil Code, and to amend Sections 692 and 694 of the Code of Civil Procedure, relating to mortgages and deeds of trust.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2924 of the Civil Code is amended to read:

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or is made by a public utility subject to the provisions of the Public Utilities Act, until (a) the trustee, mortgagee, or

beneficiary, shall first file for record, in the office of the recorder of each county wherein the mortgaged or trust property or some part or parcel thereof is situated, a notice of default, identifying the mortgage or deed of trust by stating the name or names of the trustor or trustors and giving the book and page where the same is recorded or a description of the mortgaged or trust property and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and setting forth the nature of such breach and of his election to sell or cause to be sold such property to satisfy the obligation; (b) not less than three months shall thereafter elapse; and (c) after the lapse of the three months the mortgagee, trustee or other person authorized to make the sale shall give notice of sale, stating the time and place thereof, in the manner and for a time not less than that set forth in Section 2924f. A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices for which requests have been recorded or the publication of a copy of the notice of default or the personal delivery of the copy of the notice of default or the posting of copies of the notice of sale or the publication of a copy thereof shall constitute prima facie evidence of compliance with such requirements and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

SEC. 2. Section 2924c of the Civil Code is repealed.

SEC. 3. Section 2924f is added to the Civil Code, to read:

2924f. As used in this section and Sections 2924g and 2924h "property" means real property or a leasehold estate therein.

Before any sale of property can be made under the power of sale contained in any deed of trust or mortgage notice of the sale thereof must be given by posting a written notice of the time and place of sale, and describing the property to be sold, at least 20 days before the date of sale in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold, and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated. A copy of such notice of sale shall also be posted in some conspicuous place on the property to be sold at least 20 days before date of sale. In addition to any other description of the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any; but if a legal description of the property is given, the validity of the notice shall not be affected by the fact that the

street address or other common designation recited is erroneous or that the street address or other common designation is omitted. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

SEC. 4. Section 2924g is added to the Civil Code, to read:

2924g. All sales of property under the power of sale contained in any deed of trust or mortgage shall be held in the county where such property or some part thereof is situated, and shall be made at auction, to the highest bidder, between the hours of 9 in the morning and 5 in the afternoon. When the property consists of several known lots or parcels they shall be sold separately unless the deed of trust or mortgage provides otherwise; or when a portion of such property is claimed by a third person, and he requires it to be sold separately, such portion may be thus sold. The trustor, if present at the sale, may also, unless the deed of trust or mortgage otherwise provides, direct the order in which property shall be sold, when such property consists of such several known lots or parcels which may be sold to advantage separately, and the trustee shall follow such direction. After sufficient property has been sold to satisfy the indebtedness no more can be sold.

If the property under power of sale is in two or more counties the public auction sale of all of the property under the power of sale may take place in any one of the counties where the property or a portion thereof is located.

There may be a postponement of the sale proceedings at any time prior to the completion of the sale thereof at the discretion of the trustee, or if the beneficiary instructs the trustee to postpone the sale proceedings. The notice of each postponement shall be given by public declaration by the trustee at the time and place last appointed for sale. Such public declaration of the postponement shall also set forth the new date, time, and place of sale, which place of sale shall be the same place as originally fixed by the trustee for the sale. No other notice of postponement need be given.

SEC. 5. Section 2924h is added to the Civil Code, to read:

2924h. (a) Each and every bid made by a bidder at a trustee's sale under a power of sale contained in a deed of trust or mortgage shall be deemed to be an irrevocable offer by that bidder to purchase the property being sold by the trustee under such power of sale for the amount of the bid. Any second or subsequent bid by the same bidder or any other bidder for a higher amount shall be a cancellation of the prior bid.

(b) At the trustee's sale the trustee shall have the right (1) to require every bidder to show evidence of his ability to deposit with the trustee the full amount of his final bid in cash, or the equivalent of cash in a form satisfactory to the trustee, prior to and as a condition to the recognizing of such bid, and to conditionally accept and hold these amounts for the duration of the sale, and (2) to require the last and highest bidder to deposit, if not deposited previously, the full

amount of his final bid in cash, or the equivalent of cash in a form satisfactory to the trustee, immediately prior to the completion of the sale, the completion of the sale being so announced by the fall of the hammer or in other customary manner. The present beneficiary of the deed of trust under foreclosure shall have the right to offset his bid(s) only to the extent of the total amount due him including the trustee's fees and expenses.

(c) If the trustee has not required the last and highest bidder to deposit the cash or equivalent in the manner set forth in paragraph two of subdivision (b), the trustee shall complete the sale. If the last and highest bidder then fails to deliver to the trustee, when demanded, the amount of his final bid in cash, or the equivalent of cash in a form satisfactory to the trustee, such bidder shall be liable to the trustee for all damages which the trustee may sustain by the refusal to deliver to the trustee the amount of the final bid, including any court costs and reasonable attorneys' fees.

If the last and highest bidder willfully fails to deliver to the trustee the amount of his final bid in cash, or the equivalent of cash, in a form satisfactory to the trustee, such bidder shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500).

(d) Any postponement or discontinuance of the sale proceedings shall be a cancellation of the last bid.

(e) In the event that this section conflicts with any other statutory provision of the law, then this section shall prevail.

SEC. 6. Section 692 of the Civil Code of Procedure is amended to read:

692. Before the sale of property on execution, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than 10 days and also, not less than 10 days prior to the sale, by mailing a notice of the time and place of the sale to the judgment debtor at his business or residence address last known to the judgment creditor or his attorney or delivering such notice to the judgment debtor. It shall be the duty of the party delivering an execution to an officer for levy to furnish the information required by such levying officer to comply with the provisions of this subdivision.

3. In case of real property or a leasehold estate therein: by posting a similar notice particularly describing the property at least 20 days

before the date of sale, in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or the real property in which such a leasehold estate was demised or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated and at least 20 days before the date of sale by mailing by certified mail a notice of the time and place of sale to the judgment debtor at his business or residence address last known to the judgment creditor or his attorney or delivering such notice to the judgment debtor. It shall be the duty of the party delivering an execution to an officer for levy to furnish the information required by the levying officer to comply with the provisions of this subdivision. Where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale, and where a leasehold estate in real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the real property in which such a leasehold estate was demised, at least 20 days before date of sale. In addition to particularly describing the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any; but, if a legal description of the property is given, the validity of the notice shall not be affected by the fact that the street address or other common designation recited is erroneous or that the street address or other common designation is omitted. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code. The term "judgment debtor" does not include a trustor or mortgagor.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

SEC. 7. Section 694 of the Civil Code of Procedure is amended to read:

694. All sales of property under execution must be held in the county where said property or some part thereof is situated, and must be made at auction, to the highest bidder, between the hours of 9 in the morning and 5 in the afternoon. After sufficient property has been sold to satisfy the execution, no more can be sold. Neither the officer holding the execution nor his deputy can become a

purchaser or be interested in any purchase, at such sale. When the sale is under execution and is of personal property, capable of manual delivery, it must be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price; and when the sale is under execution and is of real property, consisting of several known lots or parcels, they must be sold separately; or when a portion of said real property is claimed by a third person, and he requires it to be sold separately, such portion can be thus sold. The judgment debtor, if present at the sale, may also direct the order in which property, real or personal, shall be sold, when such property consists of several known lots or parcels, or of articles which can be sold to advantage separately and the sheriff must follow such direction.

Whenever a request in writing signed by the debtor and creditor for a postponement of the sale to an agreed date and hour, is given to the officer conducting the sale under execution, such officer shall thereupon by public declaration postpone the sale to the day and hour so fixed in such request to be held at the place originally fixed by the officer for the sale. In case of postponements, notice of each thereof must be given by public declaration by the officer at the time and place last appointed for the sale. No other notice of postponed sale need be given.

CHAPTER 1057

An act to add Sections 775 and 1586.5 and Division 14 (commencing with Section 30000) to the Financial Code, to add Sections 586.1, 590, 1514.5 and 1520 to the Probate Code, to add Section 2240 to the Civil Code, to add Section 568.1 to the Code of Civil Procedure, to amend Section 8102 of the Commercial Code, and to amend Sections 10250 and Section 27002 of the Corporations Code, relating to securities depositories.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Division 14 (commencing with Section 30000) is added to the Financial Code, to read:

DIVISION 14. SECURITIES DEPOSITORIES

CHAPTER 1. APPLICATION OF THIS DIVISION

30000. This division is known and may be cited as the "Securities Depository Law."

30001. Unless the context otherwise requires, the definitions set

forth in this chapter govern the construction of this division.

30002. "Commissioner" means the Commissioner of Corporations.

30003. "Person" means, in addition to the singular, persons, group of persons, cooperative, association, company, firm, partnership, corporation, or other legal entity.

30004. "Securities depository" means any person or group of persons who acts as the custodian of securities in accordance with a system for the central handling of securities whereby all securities of a particular class or series of any issues deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entries effected by that person without physical delivery of such securities.

30005. This division does not apply to:

(a) A securities depository which is operated by a corporation, all of the capital stock (other than directors' qualifying shares, if any) of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934, or by a corporation all of the capital stock (other than directors' qualifying shares, if any) of which is held by or for such a wholly owned subsidiary of a registered national securities exchange.

(b) A securities depository which is registered with the Securities and Exchange Commission pursuant to any provision of federal law or which is regulated by the Comptroller of the Currency, the Federal Reserve Board, or the Federal Deposit Insurance Corporation pursuant to any provision of federal law, or which is regulated by the Superintendent of Banks pursuant to the laws of this state.

30006. The commissioner may establish such rules and regulations as are reasonable or necessary to carry out the purposes and provisions of this division. The commissioner may, by rule, exempt from any or all of the provisions of this division any securities depository which the commissioner determines is subject to adequate regulatory supervision by an agency, office, or commission of the federal government or by any agency, office, or commission, other than the commissioner, of the State of California.

CHAPTER 2. LICENSE

30200. It shall be unlawful for any person to operate a securities depository within this state, or to solicit holders of securities within this state to place their securities into a securities depository located within this state or outside this state, except by means of a corporation licensed by the commissioner as a securities depository.

30201. A securities depository shall only be operated by a corporation:

(a) At least 90 percent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom, (i)

is subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws, or (ii) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or (iii) is a national securities exchange or association registered under the Securities Exchange Act of 1934, and none of whom, other than a national securities exchange or association, holds in excess of 20 percent of the capital stock of such corporation; and

(b) Any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

30202. The commissioner shall charge and collect the following fees:

(a) For filing an application for a securities depository license, two thousand five hundred dollars (\$2,500).

(b) For holding a hearing in connection with the application, as set forth under Section 30205, the actual costs experienced in each particular instance.

(c) For continuing a license as a securities depository in effect, a fee of two thousand five hundred dollars (\$2,500) per annum, payable biennially on the 15th day of December of each odd-numbered calendar year. If a license is issued during an even-numbered calendar year, the securities depository shall pay to the commissioner, within 60 days after the issuance of its license, an additional annual fee of two thousand five hundred dollars (\$2,500).

30203. All money received by the commissioner shall be paid by him into the State Treasury to the credit of the General Fund.

30204. An application for a securities depository license shall be signed and verified by an authorized officer of the applicant, and shall set forth in such form as the commissioner may prescribe:

(a) The names and addresses of the incorporators, directors, and officers, with a statement of their character, experience, and general fitness to operate a securities depository.

(b) A showing that the proposed method of operation of such securities depository will be adequate for the protection of investors.

(c) The names of every person who holds or is to hold capital stock in the securities depository corporation together with a statement of the percentage interest attributable to each. The commissioner may require disclosure of such additional information as may be necessary to determine the individuals controlling such corporation.

(d) The addresses at which facilities of the applicant will be located and a description of each such facility and the functions there performed, and a description of any other business or operations which will be conducted on such premises.

(e) By way of exhibits, a copy of the articles of incorporation and a copy of the bylaws of the applicant.

(f) By way of exhibits, financial statements of the applicant, which

shall include at least a balance sheet and profit and loss statement certified by an independent public accountant or certified public accountant, and if such certified statements are prepared as of a date more than 60 days prior to the filing of the application, a balance sheet and profit and loss statement, which need not be certified, prepared as of a date within such 60-day period, together with profit and loss statements covering at least three years of its operations, or such lesser period as the applicant may have operated, to the date of such certified balance sheet.

(g) Such additional information as the commissioner may by rule prescribe.

30205. Upon the receipt of a proper and complete application for license, and all required fees, the commissioner shall immediately examine and investigate all facts connected with the proposed licensee, including but not limited to its stockholders, directors, officers and managers, and its proposed safeguards with respect to custody, handling, recordkeeping, insurance, and auditing of securities on deposit. The commissioner may or may not require the applicant to submit to an appropriate hearing. At such hearing any interested person may show cause either in favor of, or opposed to, the application.

30206. The commissioner may refuse to issue any license being applied for, and shall refuse to issue any license being applied for if upon his examination and investigation, and after appropriate hearing, he finds any of the following:

(a) That the incorporators, directors, officers, or stockholders lack the character, experience, or general fitness to engage in such a business.

(b) That the proposed licensee's program of safeguards with respect to custody, handling, recordkeeping, insurance, and auditing of securities on deposit is inadequate for the protection of investors.

(c) That the requirements with respect to ownership of capital stock of Section 30201 are not met.

(d) That the applicant is, or is in danger of becoming, insolvent.

30207. No licensee, or any other person, shall solicit deposits of securities or otherwise conduct the business of a licensee, by means of any statement or representation which is false, misleading, or deceptive, or which omits to state material information, or which infers that such licensee has been sponsored, recommended or approved or that his abilities or qualifications have in any respect been passed upon by the commissioner. The commissioner may order a licensee or other person to desist from any conduct which he shall find to be a violation of this section.

30208. A securities depository license is not transferable or assignable. Further, no license may be acquired, either in whole or in part, through stock purchase or other devices without the consent of the commissioner.

30209. Any person who operates a securities depository, or solicits holders of securities within this state to place securities in a securities

depository, either directly as principal or indirectly as agent, employee, manager, fiduciary representative, or in any other capacity, unless such securities depository has applied for and received the license required by this division, is guilty of a misdemeanor punishable by imprisonment in a county jail for not less than three months and not exceeding 12 months, or by a fine of not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

30210. Every person subject to this division shall keep and use in its business, books, accounts, and records which will properly enable the commissioner to determine whether the operation of a securities depository by such person complies with the provisions of this division and with all rules and regulations made by the commissioner under this division.

30211. The business, accounts and records of every person licensed under this division are subject to inspection and examination by the commissioner at any time without prior notice.

30212. The actual cost of every inspection and examination shall be paid to the commissioner by the person examined and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction.

30213. (a) Every person subject to this division shall submit to the commissioner, at such person's own expense, financial statements prepared in accordance with generally accepted accounting principles covering the calendar year or, if such person has an established fiscal year, then for such fiscal year, within 105 days after the close of the calendar year or fiscal year. Such financial statements shall be covered by a report or certificate of an independent certified public accountant or independent public accountant. In addition financial statements, which may be unaudited, as of the end of the calendar month next preceding the date of submission of the audited financial statements shall also be filed concurrently with such audited financial statements. All audits referred to in this section shall be by independent certified public accountants or independent public accountants acceptable to the commissioner. The audits shall be conducted in accordance with generally accepted auditing standards. The audited financial statements shall include at least an audited balance sheet showing the person's net worth and a statement of income and expenses for the year ended on the balance sheet date. The commissioner may by rule prescribe the matters to be covered in the report or certification of the auditor.

(b) Within such period as the commissioner shall prescribe, which shall not be less than 10 days, a person subject to this division shall submit to the commissioner, at such person's own expense, a report containing such information regarding its financial condition, operations, or the ownership of its outstanding securities as the commissioner may require.

30214. If any person subject to this division fails to make any

report required by law or by the commissioner, the commissioner shall immediately cause the books, records, papers, and affairs of said person to be thoroughly examined. The commissioner may, in carrying out his responsibilities under this section, employ an independent public accountant or certified public accountant the cost of whose services shall be borne by such person in accordance with Section 30212.

30215. If the commissioner, as a result of any examination or from any report made to him, shall find that any person subject to this division is in an insolvent condition, or is operating a securities depository in such an unsafe or injurious manner as to render further operations hazardous to the public or to depositors the commissioner may forthwith, by an order addressed to and served by registered mail on such person, direct discontinuance of the operation of a securities depository within the State of California or direct discontinuance of the solicitation of security holders within the State of California by such securities depository, or otherwise limit the conduct of the business of such depository as may be necessary for the safety of security holders. The order shall remain in effect until set aside by the commissioner in whole or in part.

30216. Whenever in the opinion of the commissioner any person required by this division to be licensed is engaged in operating a securities depository or in soliciting securities holders within this state to place securities in a securities depository, without a license from the commissioner, the commissioner may order said person to desist and to refrain from engaging in such business. If, after such an order is made, a request for a hearing is filed in writing and the hearing is not held within 60 days thereafter, the order is rescinded.

30217. The commissioner may from time to time make, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this law, including rules defining any terms, whether or not used in this law, insofar as the definitions are not inconsistent with the provisions of this law. For the purposes of rules and forms, the commissioner may classify persons and matters within his jurisdiction and may prescribe different requirements for different classes. The commissioner may in his discretion waive any requirement of any rule or form in situations where in his opinion such requirement is not necessary in the public interest or for the protection of investors. All rules of the commissioner other than those relating solely to the internal administration of the Department of Corporations shall be made, amended, or rescinded in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 3. REVOCATION OF LICENSE

30600. A security depository license remains in effect until surrendered, revoked or suspended.

30601. If the commissioner has reason to believe that a licensed securities depository has violated its articles of incorporation, or any law or rule binding upon it, he shall, by written order addressed to the agent direct the discontinuance of such violation.

30602. If any licensed securities depository fails to make any report required by law or by the commissioner within 10 days from the day designated for the making of the report, or within any extension of time granted by the commissioner, or has failed to pay any fee or charge payable under this division within 10 days after notice by the commissioner that such fee is due and unpaid, such failure shall constitute grounds for the suspension or revocation of the license held by such securities depository or for the issuance of an order by the commissioner under the provisions of Section 30215.

30603. If it appears to the commissioner that any licensed securities depository located within this state is conducting business in an unsafe or injurious manner, he shall, by written order addressed to the securities depository direct the discontinuance of such unsafe or injurious practices, or if the licensed securities depository is one which is located outside this state but is soliciting holders of securities in California to place their securities in such securities depository, the commissioner shall direct such securities depository to discontinue all such solicitations until all such unsafe and unsound practices have been corrected.

30604. An order issued pursuant to Section 30601 or 30603 shall require the licensed securities depository to show cause before the commissioner, at a time fixed by the commissioner, why the order should not be observed. If upon the hearing, it appears to the commissioner that the licensed securities depository is conducting business in an unsafe or injurious manner or is violating its articles of incorporation or any law of this state, or any rule binding upon it, the commissioner shall make the order of discontinuance final and the licensed securities depository shall immediately discontinue the practices named in the order.

30605. The licensed securities depository has 10 days after an order is made final in which to commence action to restrain enforcement of such order, and unless such action is commenced, and the enforcement of such order is enjoined within 10 days by the court in which the suit is brought, the licensed securities depository shall comply with the order.

30606. (a) If a securities depository fails to comply with a final order and has not secured a court order restraining the enforcement of such final order, the commissioner may revoke the license of such securities depository or he may institute proceedings under subdivision (b) to enforce such final order.

(b) Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this law or any rule or order hereunder, he may in his discretion bring an action in the superior court to enjoin the acts or practices or to enforce compliance with this law or

any rule or order hereunder. Upon a proper showing, a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court shall not require the commissioner to post a bond.

30607. The commissioner may commence and prosecute actions and proceedings to enjoin violations of this division or violations of orders or decisions of the commissioner rendered pursuant to this division, and for the enforcement of any and all civil penalties provided for by this division.

30608. The commissioner may, after notice and a reasonable opportunity to be heard, suspend, revoke, or decline to renew any license if he finds that:

(a) The licensee has violated any provision of this division or any rule or order made by the commissioner under and within the authority of this division.

(b) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

CHAPTER 4. HEARINGS

30700. The commissioner, and all persons designated by him, may administer oaths, take the testimony of witnesses, and issue subpoenas requiring the attendance of witnesses and the production of books, documents, and other things under their control, at any examination, investigation, or hearing in any part of the state.

30701. All of the provisions of Chapter 2 (commencing with Section 1985), Title 3, Part 4 of the Code of Civil Procedure relating to the means of production of evidence out of court are applicable to any examination, investigation, or hearing under this division.

30702. The authority to make or conduct any examination, investigation, or hearing, including the authority to administer oaths and to subpoena witnesses, and to take their testimony may be delegated by the commissioner to any deputy, investigator, or auditor appointed by him for that purpose. The appointment shall be made by an instrument in writing, signed by the commissioner. Upon any examination, investigation, or hearing, the instrument shall be produced by the deputy, investigator, or auditor at any time upon demand.

30703. All hearings provided for in this division shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code, and the commissioner has all the powers granted therein, except that a hearing held in accordance with Section 30604 may be presided over by a hearing officer qualified under Section 11502 of the Government Code, or by any deputy designated by the commissioner.

30704. Every order, decision, license or other official act of the commissioner is subject to review, in accordance with law.

SEC. 2. Section 775 is added to the Financial Code, to read:

775. Notwithstanding any other provision of law, any savings bank (as defined in Section 104), any commercial bank (as defined in Section 105) and any trust company (as defined in Section 107) holding securities in a fiduciary capacity or while engaged in a trust business (as defined in Section 106), or while acting in any capacity under a court or private trust, or while acting in such capacity with one or more persons as cofiduciary or cofiduciaries, unless the instrument creating such trust contains a provision to the contrary, is authorized to deposit or arrange for the deposit of such securities in a securities depository, as defined in Section 30004, which is licensed under Section 30200 or exempted from licensing thereunder by Section 30005 or 30006. When such securities are so deposited, they may be held in the custody of the securities depository in which they are deposited or in the custody of any other securities depository so licensed or exempted and in which the securities depository in which such securities were deposited maintains an account, or in the custody of any bank or trust company with authority to accept custody of such securities, which accepts custody of such securities on behalf of a securities depository. Such securities may be held in the name of the nominee of the securities depository in which they are deposited, or in the name of the nominee of any other securities depository with which the securities depository in which they are deposited maintains an account. The custodian of securities so deposited may merge certificates representing securities of the same class of the same issuer and may hold such certificates in bulk with any other securities deposited in any securities depository by any person regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. Any savings bank, commercial bank, or trust company which deposits or arranges for the deposit of such securities in such a securities depository shall maintain records which at all times show the ownership of the securities so deposited. A savings bank, commercial bank, or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as in the case of state-chartered institutions, the superintendent and, in the case of national banking associations, the comptroller of the currency may from time to time issue.

This section shall apply to securities now held or hereafter held by a savings bank, commercial bank or trust company in the above designated capacities. A savings bank, commercial bank or trust company may but shall not be required to own capital stock of a securities depository in which it deposits securities pursuant to this section.

SEC. 3. Section 1586.5 is added to the Financial Code, to read:

1586.5. Securities held by a trust company by direction of any

court order issued pursuant to Section 1586 may be deposited, pursuant to the provisions of Section 775, in a securities depository, as defined in Section 30004, which is licensed under Section 30200 or exempted from licensing thereunder by Section 30005 or 30006.

SEC. 4. Section 586.1 is added to the Probate Code, to read:

586.1. Securities deposited with a trust company pursuant to Section 586 may be deposited by such trust company, pursuant to the provisions of Section 775 of the Financial Code, in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code.

SEC. 5. Section 590 is added to the Probate Code, to read:

590. Securities which constitute part or all of the personal assets of an estate may be deposited in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code, and such securities may be held by such securities depository in the manner authorized by Section 775 of the Financial Code.

SEC. 6. Section 1514.5 is added to the Probate Code, to read:

1514.5. Securities deposited with a trust company pursuant to Section 1514 may be deposited by such trust company, pursuant to the provisions of Section 775 of the Financial Code, in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code.

SEC. 7. Section 1520 is added to the Probate Code, to read:

1520. Securities which constitute part or all of the personal assets of the ward may be deposited in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code, and such securities may be held by such securities depository in the manner authorized by Section 775 of the Financial Code.

SEC. 8. Section 2240 is added to the Civil Code, to read:

2240. Unless the instrument creating the trust contains a provision to the contrary, securities held by any trustee may, with the consent of any cofiduciary or cofiduciaries, be deposited in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code, and such securities may be held by such securities depository in the manner authorized by Section 775 of the Financial Code.

SEC. 9. Section 568.1 is added to the Code of Civil Procedure, to read:

568.1. Any securities in the hands of a receiver may, under the

control of the court, be deposited by the receiver in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code, and such securities may be held by such securities depository in the manner authorized by Section 775 of the Financial Code.

SEC. 10. Section 10250 of the Corporations Code is amended to read:

10250. (a) Any corporation organized under the provisions of or for the purposes set forth in Part 2 (commencing with Section 10000) or Part 3 (commencing with Section 10200) of this division may, if authorized so to do by its articles of incorporation, establish one or more common trust funds for the purpose of furnishing investments to such corporation or to any church, parish, congregation, society, chapel, mission, religious, beneficial, charitable or educational institution affiliated with it, or to any organization, society or corporation holding funds or property for the benefit of any of the foregoing, or holding funds for the purpose of supporting a bishop, priest, religious pastor, or teacher or any building or buildings used by or owned by any of the foregoing, whether holding such funds or property as fiduciary or otherwise. Notwithstanding the provisions of any general or special law in any way limiting the right of any of the foregoing or the officers or directors thereof, as fiduciary or otherwise, to invest funds held by them, it shall be lawful for any of the foregoing to invest any or all of their funds or property in shares or interests of such common trust fund or trust funds; provided, that, in the case of funds or property held as fiduciary, such investment is not prohibited by the wording of the will, deed or other instrument creating such fiduciary relationship.

(b) The directors or trustees of any such common trust fund, or trust funds, so organized, may employ such officers or agents as they think best, define their duties, and fix their compensation. They may also appoint a trust company or bank as custodian of the trust estate and may employ an investment adviser or advisers, define their duties, and fix their compensation. Securities which constitute part or all of the trust estate may be deposited in a securities depository, as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code, and such securities may be held by such securities depository in the manner authorized by Section 775 of the Financial Code.

(c) The directors or trustees of any such common trust fund, or trust funds, shall pay ratably among the holders of shares or beneficial certificates then outstanding, semiannual dividends which shall approximately equal, in each fiscal year, the net income of the trust, or trusts.

(d) The provisions of the Corporate Securities Law shall not apply to the creation, administration, or termination of common trust funds created hereunder, nor to participation therein.

SEC. 11. Section 27002 of the Corporations Code is amended to read:

27002. As used in this division, "individual" includes every natural person, domestic or foreign private corporation, nonprofit corporation, unincorporated association, company, partnership of whatever kind, syndicate, joint stock company, trustee, protective committee, depositors' league, and other similar organization however described; but "individual" does not include any of the following persons:

(a) Any licensed practicing attorney rendering or performing services in connection with the practice of law.

(b) Any person holding a broker's or investment adviser's certificate then in effect issued by the commissioner, rendering or performing services as such.

(c) Any holder of a permit then in effect, granted by the commissioner under the Corporate Securities Law, permitting the issue of certificates of deposit.

(d) Any securities depository as defined in Section 30004 of the Financial Code, which is licensed under Section 30200 of the Financial Code or exempted from licensing thereunder by Section 30005 or 30006 of the Financial Code.

SEC. 12. Section 8102 of the Commercial Code is amended to read:

8102. (1) In this division unless the context otherwise requires

(a) A "security" is an instrument which

(i) Is issued in bearer or registered form; and

(ii) Is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) Is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) Evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this division and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that division. This division does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation:

(a) At least 90 percent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom

(i) Is subject to supervision or regulation pursuant to the

provisions of federal or state banking laws or state insurance laws, or

(ii) Is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) Is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934, and none of whom, other than a national securities exchange or association, holds in excess of 20 percent of the capital stock of such corporation.

(b) Any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this division or to specified chapters thereof and the sections in which they appear are:

"Adverse claim." Section 8301.

"Bona fide purchaser." Section 8302.

"Broker." Section 8303.

"Guarantee of the signature." Section 8402.

"Intermediary bank." Section 4105.

"Issuer." Section 8201.

"Overissue." Section 8104.

(6) In addition Division 1 (commencing with Section 1101) contains general definitions and principles of construction and interpretation applicable throughout this division.

CHAPTER 1058

An act to amend, repeal, and add Section 5328 of, and add Section 5328.9 to, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000), to either voluntary or involuntary

recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the patient, with the approval of the physician in charge of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward, or conservatee, and his parent, guardian, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

Signed

(f) To the courts, as necessary to the administration of justice.
(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules

Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

(j) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign such release, the staff of the facility, upon satisfying itself of the identity of said attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 2. Section 5328 is added to the Welfare and Institutions Code, to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000), to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his guardian or conservator must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical responsibility for the patient's care.

(b) When the patient, with the approval of the physician in charge of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a minor, ward, or conservatee, and his parent, guardian, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician,

psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Health designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Senate Rules Committee or the Assembly Rules Committee for the purposes of legislative investigation authorized by such committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

The amendment of subdivision (d) of this section enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. Section 5328.9 is added to the Welfare and Institutions Code, to read:

5328.9. If at such time as a patient's hospital records are required by an employer to whom the patient has applied for employment, such records shall be forwarded to a qualified physician or psychiatrist representing the employer upon the request of the patient unless the physician or administrative officer responsible for the patient deems the release of such records contrary to the best interest of the patient.

If the physician or administrative officer responsible for a patient deems the release of such records contrary to the best interest of the patient, he shall notify the patient within five days. In the event that the disclosure of the patient's records to the patient himself would

not serve his best interests, the physician or administrative officer in question shall render formal notice of his decision to the superior court of the county in which the patient resides.

SEC. 4. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 5328 of the Welfare and Institutions Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 5328 of the Welfare and Institutions Code, as added by Section 2 of this act, which includes the changes in Section 5328 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 1059

An act to amend, repeal, and add Section 1415 of the Health and Safety Code, and to amend Section 2507 of the Business and Professions Code, Section 441.8 of the Health and Safety Code, Sections 14057, 14058, and 14105.5 of the Welfare and Institutions Code, and Section 15 of Chapter 1451 of the Statutes of 1969, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 441.8 of the Health and Safety Code is amended to read:

441.8. The commission shall appoint an executive secretary who shall perform the duties delegated to him by the commission, and shall be responsible to it for the accomplishment of such duties. The executive secretary shall, in accordance with such rules or regulations as the commission may adopt, organize, coordinate, supervise, and direct the operations and affairs of the commission in such a manner as to prevent delay and promote the expeditious and efficient disposition of all matters within the commission's jurisdiction. He shall submit a detailed report of his activities to the commission at each of the regularly scheduled commission meetings provided for pursuant to Section 441.13, and shall prepare such other supplemental and special reports as the commission may from time to time request or which he may deem necessary to adequately inform the members of the commission concerning his activities and experience in the implementation of this part.

The executive secretary shall have had at least two years' experience as the chief administrative officer of a hospital, group of hospitals, or association of hospitals whose members are subject to the provisions of this part. The executive secretary shall receive, in

addition to his salary, actual and necessary travel expenses incurred in the discharge of his duties.

SEC. 2. Section 2507 of the Business and Professions Code is amended to read:

2507. A medical corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a certificate under Section 2135 or 2491 of this code. The board shall have the same powers of suspension, revocation and discipline against a medical corporation as are now or hereafter authorized by Section 2360 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against a medical corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Notwithstanding any other provision of law, the offering and operation by a medical corporation of a health care service plan registered pursuant to the provisions of Section 12537 of the Government Code is hereby authorized. For such purpose a medical corporation may employ, or enter into contracts or other arrangements with, any person or persons authorized to practice any system of the healing arts as defined in Section 12530 of the Government Code, but no such employment, contract, or arrangement shall provide for the rendering, supervision, or control of professional services other than as authorized by law.

SEC. 3. Section 1415 of the Health and Safety Code is amended to read:

1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital or other medical facility conducted, maintained or operated by the United States government or a duly authorized agency thereof.

(b) Any hospital or other medical facility conducted, maintained or operated by this state or any state department, authority, bureau, commission, or officer, nor to any hospital or other medical facility conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the state. The state department, however, shall investigate, examine, and make annual reports to the Legislature upon hospitals or other medical facilities administered by the Department of Corrections. Such reports shall be made pursuant to the standards for licensing under this chapter and the regulations adopted under this chapter. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this

subdivision, and this subdivision does not exempt a hospital or other medical facility conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital or other medical facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 7 (commencing with Section 7000) of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Social Welfare.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 4. Section 1415 is added to the Health and Safety Code, to read:

1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital or other medical facility conducted, maintained or operated by the United States government or a duly authorized agency thereof.

(b) Any hospital or other medical facility conducted, maintained or operated by this state or any state department, authority, bureau, commission, or officer, nor to any hospital or other medical facility conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the state. The state department, however, shall investigate, examine, and make annual reports to the Legislature upon hospitals or other medical facilities administered by the Department of Corrections. Such reports shall be made pursuant to the standards for licensing under this chapter and the regulations adopted under this chapter. However, a local

hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital or other medical facility conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital or other medical facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 7 (commencing with Section 7000) of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Health.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Health.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 5. Section 14057 of the Welfare and Institutions Code is amended to read:

14057. "Carrier" means:

(a) A private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state;

(b) A medical society or other profit or nonprofit medical group;

(c) An association of insurers organized under Article 6.7 (commencing with Section 795) of Chapter 1, Part 2, of Division 1 of the Insurance Code;

(d) A nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code;

(e) A nonprofit membership corporation, or health benefits plan administered by or through such corporation, lawfully operating under Section 9200 or Section 9201 of the Corporations Code, when such corporation is lawfully engaged in providing, arranging, paying

for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, or membership contracts;

(f) A county hospital system; or

(g) A profit or nonprofit person or organization registered under the Knox-Mills Health Plan Act.

SEC. 6. Section 14058 of the Welfare and Institutions Code is amended to read:

14058. "Prepaid health plans" means any form of organization or any arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of health care services as set forth in Article 4.4 (commencing with Section 14140) of this chapter.

For the purpose of establishing a prepaid health plan any carrier as defined in Section 14057 shall be deemed capable of providing, arranging, paying or reimbursing the cost of the health care services as defined in Section 14053.

SEC. 7. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director or prepaid health plans shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of his project prior to July 1, 1971, and if such licensee has on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1973, and such licensee has on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1974, as the completion date; except that the State Department of Public Health shall extend the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, except for transfers executed before November 30, 1970 or after July 1, 1971, shall not apply to transferees of the

applications of the original applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extension of the construction commencement date shall have on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1975, as the completion date; except that the State Department of Public Health shall extend each of the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted.

For the purposes of this section, "substantial progress" is defined and evidenced as follows:

(a) For structures of three or fewer stories, completion of the foundations and footings; the structural frame; the mechanical, electrical, and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

(b) For structures of more than three stories, a contractor's schedule of work shall be filed with the State Department of Public Health by January 1, 1973. Every three months thereafter, until completion, evidence shall be submitted to the department that construction is progressing on that schedule.

For the purposes of this section, construction of a project is deemed commenced on the date the applicant was so notified by the Department of Public Health, if so notified, or on the date the applicant has completed not less than all of the following:

(a) Submission to the appropriate state agency of a written agreement executed between the applicant and a licensed general contractor to construct and complete the facility within a designated time schedule in accordance with final architectural plans and specifications approved by such agency.

(b) Obtaining such initial permits or approval for commencing work on the project as is customarily issued for projects of the scope of applicant by the governmental agency having jurisdiction over the construction.

(c) Completion of construction work on the project to such a degree as to justify and require a progress payment by the applicant to the general contractor under terms of the construction agreement.

SEC. 8. Section 15 of Chapter 1451 of the Statutes of 1969 is amended to read:

Sec. 15. Within 90 days of the effective date of this act, the Health Planning Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans, but only if such applicants commence construction of their projects prior to July 1, 1971, and have on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1973, and have on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1974, as the completion date; except that the State Department of Public Health shall extend the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted. Except for those transfers executed before November 30, 1970, or after July 1, 1971, the exception provided for in the preceding sentence shall not apply to transferees of the applications of such applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extensions of the construction commencement date shall have on file with the State Department of Public Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Public Health a valid notice of construction completion indicating January 1, 1975, as the completion date; except that the State Department of Public Health shall extend each of the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted.

For purposes of this section, "substantial progress" is defined and evidenced as follows:

(a) For structures of three or fewer stories, completion of the foundations and footings; the structural frame; the mechanical, electrical, and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

(b) For structures of more than three stories, a contractor's schedule of work shall be filed with the State Department of Public

Health by January 1, 1973. Every three months thereafter, until completion, evidence shall be submitted to the department that construction is progressing on that schedule.

For purposes of this section, construction of a project is deemed commenced on the date the applicant was so notified by the Department of Public Health, if so notified, or on the date the applicant has completed not less than all of the following:

(a) Submission to the appropriate state agency of a written agreement executed between the applicant and a licensed general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications approved by such agency.

(b) Obtaining such initial permits or approval for commencing work on the project as is customarily issued for projects of the scope of applicant by the governmental agency having jurisdiction over the construction.

(c) Completion of construction work on the project to such a degree as to justify and require a progress payment by the applicant to the general contractor under terms of the construction agreement.

SEC. 9. It is the intent of the Legislature by Sections 7 and 8 of this act to clarify the meaning of the term "commence construction," as used in Section 15 of Chapter 1451 of the Statutes of 1969.

Any applicant who, on July 1, 1971, had commenced construction of his project, as that term is defined in Section 15 of Chapter 1451 of the Statutes of 1969, as amended by this act, and who meets all other requirements for the exception from approval of such project by any health planning agency provided for in Section 15 may, where necessary, reapply to the State Department of Public Health for exception pursuant to Section 15.

SEC. 10. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 1415 of the Health and Safety Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 1415 of the Health and Safety Code, as added by Section 2 of this act, which includes the changes in Section 1415 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The definition of the term "commence construction," as well as appropriate criteria for construction progress, as they apply to certain hospital applicants under Chapter 1451 of the Statutes of 1969, must be properly defined immediately, so that persons and organizations who have received Department of Public Health approval to proceed with their hospital projects can do so without undue hardship to health care consumers or to the applicants themselves.

CHAPTER 1060

An act to amend Section 22100 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 22100 of the Vehicle Code is amended to read:

22100. Except as provided in Section 22101, the driver of any vehicle intending to turn upon a highway shall do so as follows:

(a) Right Turns. Both the approach for a right-hand turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway except:

(1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right into any lane lawfully available to traffic moving in such direction upon the roadway being entered.

(2) When a right-hand turn is made from a one-way highway at an intersection, a driver shall approach the turn as provided in subdivision (a) and shall complete the turn in any lane lawfully available to traffic moving in such direction upon the roadway being entered.

(b) Left Turns. The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of such vehicle and, when turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered, except:

(1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn left into any lane lawfully available to traffic moving in such direction upon the roadway being entered.

CHAPTER 1061

An act to amend Section 40128 of, and to add Section 40182 to, the Public Utilities Code, relating to the Orange County Transit District.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 40128 of the Public Utilities Code is amended to read:

40128. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Subchapter II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

However, the district is not required to provide coverage under Subchapter II of the Federal Social Security Act, as amended, for administrative and professional employees who are members of the Orange County Employees Retirement System. Notwithstanding Section 31557 of the Government Code, administrative and professional employees may be admitted to membership in the Orange County Employees Retirement System without making membership applicable to all employees of the district. The board, by resolution, shall determine which employees are employed in administrative and professional classifications.

SEC. 2. Section 40182 is added to the Public Utilities Code, to read:

40182. The district may acquire, construct, own, or operate air terminal facilities within the district and, with the consent of the county in which such facilities are located, outside of the district, and may accept contributions of money, labor, materials, and any other property from, and enter into any contract and cooperation with, the federal government or the state, or any department, instrumentality, or agency thereof, or any public agency for such purposes.

CHAPTER 1062

An act to amend Section 1031 of the Government Code, to amend Section 830.4 of the Penal Code, and to amend Section 3 of Chapter 52 of the Statutes of 1941, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet at least the following minimum standards:

- (a) Be a citizen of the United States;
- (b) Be at least 18 years of age;
- (c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;
- (d) Be of good moral character, as determined by a thorough background investigation;
- (e) Be a high school graduate or pass the general education development test indicating high school graduation level; provided that this subdivision shall not apply to any public officer or employee who was employed, prior to the effective date of the amendment of this section made at the 1971 Regular Session of the Legislature, in any position declared by law prior to the effective date of such amendment to be peace officer positions;
- (f) Be found, after examination by a licensed physician and surgeon, to be free from any physical, emotional, or mental condition which might adversely affect his exercise of the powers of a peace officer.

This section shall not be construed to preclude the adoption of additional or higher standards, including age.

SEC. 2. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

- (1) Security officers of the California State Police Division.
- (2) The Sergeant at Arms of each house of the Legislature.
- (3) Bailiffs of the Supreme Court and of the courts of appeal.
- (4) Guards and messengers of the Treasurer's office.
- (5) The Director of the Department of Harbors and Watercraft and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.
- (6) Members of a state college police department appointed pursuant to Section 24651 of the Education Code.
- (7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.
- (8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.
- (9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.
- (10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However,

notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 3. Section 3 of Chapter 52 of the Statutes of 1941 is amended to read:

Sec. 3. Corporate Powers. Said Monterey Peninsula Airport District is hereby declared to be, and established as, a body corporate and politic, and, in addition to other powers herein granted, shall have and is hereby granted the following powers, namely:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without the district necessary to the full exercise of its power.
5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve, any works or improvements acquired by it as herein authorized.
6. To have and exercise the right of eminent domain, and in the

manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district, or other public corporation or agency, or otherwise, and to condemn any existing works or improvements in said district now used for airport purposes.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

7a. **Borrowing Money From Federal Agencies, Etc.** In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, or any agency or department thereof, or from any person, or from any corporation organized under the laws of this state, or elsewhere, for the acquisition of lands and improvement thereof for airport district purposes authorized under this act, and to repay the same in annual installments over a period of not to exceed twenty (20) years, with interest at a rate not to exceed five percent (5%) per annum, payable semiannually; and, without the necessity of an election, when authorized so to do by resolution of the board of directors of said district, and as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes or bonds, or other evidences of indebtedness, signed by the chairman of said board of directors, and the secretary thereof, which notes, bonds or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution providing for their issuance, and said notes, bonds or other evidences of indebtedness may have interest coupons attached to evidence interest payments, signed by the facsimile signature of the chairman of said board. All applications for such loans shall specify the particular airport district work or project or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and expended for those purposes only which are described and referred to in the application, or applications. If a surplus remains after the completion of said work, said surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness executed, as aforesaid, for the loan, including interest coupons. The board of supervisors, or demand of the board of directors of the district, shall annually levy a tax upon the taxable property therein sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by resolution of said board of supervisors; provided, however, that the amount of taxes levied in any fiscal year, pursuant to the provisions of this subsection, shall pro tanto, reduce to the extent of such special taxes the authority of said board of directors to demand, and of the board of supervisors, during any such year, to levy taxes under Sections 19 and 23 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this

subsection.

Limitation on Amount Borrowed. Notwithstanding anything in this subsection to the contrary, the total amount which said district may borrow under the authority of any and all the provisions of this subsection is limited to and shall not exceed in the aggregate two hundred fifty thousand dollars (\$250,000).

7b. Such Bonds as Legal Investments. Such bonds or notes, when declared negotiable instruments, as in subsection 7a hereinabove provided, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, trust companies, and for the State Department of Finance, and state school funds, and whenever any money or funds may by law, now in effect or hereafter enacted, be invested in bonds of cities, cities and counties, counties, or school districts, in the State of California, such money or funds may be invested in the said negotiable bonds or notes of said Monterey Peninsula Airport District; provided, however, no bank shall invest or loan more than 5 per centum of its assets on any one such bond or note issue.

8. Taxes. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner herein provided.

9. Exercise of Powers—Contracts. To make contracts, and to employ persons and labor, and to do all acts necessary for the full exercise of all powers vested in said district, or in any of the officers thereof, by this act.

10. Disposal of Property. To lease, sell or dispose of any property (or any interest therein) acquired in fee, or otherwise, whenever in the judgment of said board of directors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act.

11. Operation and Concession Agreements. To make contracts for the operation, or operation maintenance, of any airport of said district, or for any concession thereupon necessary or convenient thereto.

12. Police Powers of District. To equip and maintain a police department; to adopt ordinances and resolutions and make regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach thereto, owned or controlled by the district and to prescribe penalties for the violation thereof; provided, that the police powers of said district, hereby granted, shall be limited strictly to the provisions of this subsection.

Violation of any such ordinance, resolution or regulation shall constitute a misdemeanor.

13. General Powers. To possess and exercise all powers necessary or appropriate to a public airport district which are not prohibited

by the Constitution, including all powers granted by, or which may be hereafter granted by, any general law of the state to any public airport district therein, and all powers incidental to, and necessary or convenient in connection with, the exercise of the powers generally or specifically granted to the district by the provisions of this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the amendments to Section 1031 of the Government Code made by Chapter 1748 of the Statutes of 1971, which require a high school education or its equivalent of all peace officers, will not adversely affect the retention or promotion of peace officers already employed but not meeting such educational requirements on the effective date of such legislation, it is necessary that Section 1 of this act take immediate effect. In order to make the most effective law enforcement services available as soon as possible at facilities maintained by the Monterey Peninsula Airport District, it is necessary that Sections 2 and 3 of this act go into immediate effect.

CHAPTER 1063

An act to amend Section 25902 of the Education Code, relating to visiting teachers, making an appropriation therefor.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25902 of the Education Code is amended to read:

25902. The State Department of Education shall create the position of visiting teacher to blind children of preschool age. With the consent of the parents of any blind child of preschool age it shall be the duties of such visiting teacher to assist and instruct the parents in the early care and training of said child, to train the child in play, and to do everything which will assure the child's physical, mental and social adjustment to its environment. The State Department of Education shall maintain a sufficient number of visiting teachers to adequately serve the needs of parents of preschool blind children in accordance with the known number of such children. In any event the caseload of each visiting teacher shall not exceed a number of clients that can be adequately and fully served.

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury the sum of one hundred two thousand dollars (\$102,000) to the State Department of Education for the

employment, during the 1972–1973 fiscal year, of six visiting teachers and one supervisor pursuant to Section 25902 of the Education Code as amended by Section 1 of this act.

CHAPTER 1064

An act to amend Section 12101.1 of the Welfare and Institutions Code, relating to old age security, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1972. Filed with
Secretary of State August 17, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12101.1 of the Welfare and Institutions Code, as added by Chapter 578 of the Statutes of 1971, is amended to read:

12101.1. Relatives' contributions under Section 12101 shall be paid to the county department and be treated by the county as recoveries on aid granted; provided, however, that out of such contributions the recipient shall receive from the county an amount equal to the exemption of income allowed under Section 11008.1. The agency collecting relatives' contributions pursuant to this article shall transmit to the recipient that part of the responsible relative's contribution which is exempt under Section 11008.1.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the benefits of this act may be provided to the persons covered thereby as soon as possible, it is essential that this act go into effect immediately.

CHAPTER 1065

An act to amend Sections 16114 and 16117 of, to add Section 16119 to, and to repeal Sections 51250 and 51254 of, the Government Code, and to amend Sections 17054, 17064, 17202, 17203, 17206.5, 17771, 17778, 17854, 18414.5, 18645, 18683, 24343, and 25933 of, to add Sections 17064.6, 18643, 18644, 19409, 25563.3, and 25761a to, and to repeal Sections 18643, 18644, 18682, 25761a, and 25932 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 51250 of the Government Code is repealed.

SEC. 1.1. Section 51254 of the Government Code is repealed.

SEC. 1.2. Section 16114 of the Government Code is

Section 16114 of the Government Code is amended to read:

16114. On or before October 31, 1972, and on or before the last day of October of each year thereafter, the assessor shall report the open-space adjustment for each school district located in the county to the Controller and to the Superintendent of Public Instruction. The open-space adjustment shall be calculated by determining the difference between:

(a) The adjusted assessed value of all land in the district in the base year, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, which shall be the last assessment year prior to the application of Section 423 or 423.5 of the Revenue and Taxation Code to any land within the district, and

(b) The assessed value of all land within the district, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, for the current assessment year.

For the purposes of subdivision (a), "adjusted assessed value" shall be computed by multiplying the actual assessed value of land in the district in the base year, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, by the percentage which the gross assessed value of all land in the state on the local roll outside of municipalities without deductions for any exemptions for the current assessment year is of the gross assessed value of all land on the local roll outside municipalities without deductions for any exemptions in the base year. The Controller shall announce the factors to be used by the assessors on or before October 15th of each year.

If the value of land within the district for the current assessment year is greater than the adjusted assessed value of the base year, there shall be no reimbursement.

SEC. 1.3. Section 16117 of the Government Code is amended to read:

16117. The other provisions of this chapter notwithstanding, no city, county, or city and county shall receive more money by reason of the funds provided for in the open-space provisions of this chapter than such governmental entity might have received had no property in the entity been assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code. This determination shall be made by:

(a) Multiplying the last unrestricted assessed value, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, of each parcel now subject to assessment under Sections 423 or 423.5 of the Revenue and Taxation Code by the percentages which the current gross assessed value of all land on the local roll outside municipalities without deduction for exemption in the state is of the gross assessed value of all land on the local roll outside municipalities

without deduction for exemption in the state for the last year in which the parcel was not so restricted;

(b) Subtracting the current assessed value, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, for the parcel from the figure derived pursuant to subdivision (a);

(c) Calculating the total of all differences determined pursuant to subdivision (b) for land under control of, or, in the case of cities, within the boundaries of, the entity in question; and

(d) Multiplying the total derived under subdivision (c) by the tax rate for the current year of the entity in question.

The determinations required by this section shall be made by the Secretary of the Resources Agency.

SEC. 1.4. Section 16119 is added to the Government Code, to read:

16119. In addition to the report required by Section 16109, the Secretary of the Resources Agency shall require from local government agencies such other information relative to lands valued pursuant to the provisions of Article 28 of the California Constitution as is necessary for the proper administration of the provisions of Sections 16107 through 16119 and for periodic review of the policies established therein.

Information collected pursuant to this section shall be transmitted on request to the Legislature and to other state agencies, including, but not limited to, the State Board of Equalization, the Superintendent of Public Instruction, and the Department of Agriculture.

SEC. 1.5. Section 17054 of the Revenue and Taxation Code is amended to read:

17054. In the case of individuals computing their tax under Section 17041 or Section 17048, the following credits for personal exemption may be deducted from the tax imposed.

(a) In the case of a single individual, a credit of twenty-five dollars (\$25).

(b) In the case of a head of household or a married individual, a credit of fifty dollars (\$50). A husband and wife shall receive but one credit for personal exemption of fifty dollars (\$50). If the husband and wife make separate returns, the credit may be taken by either or divided between them. If one spouse was a resident for the entire taxable year and the other spouse was a nonresident for all or any portion of the taxable year, the personal exemption shall be divided equally and the portion deductible by the nonresident shall be determined under Section 17055. The preceding sentence shall not apply to a nonresident active member of the armed forces of the United States or any auxiliary branch thereof and his or her spouse.

(c) Except as provided in subdivision (e) of Section 17057, a credit of eight dollars (\$8) for each dependent (as defined in Section 17056)—

(1) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than seven hundred fifty dollars

(\$750), or

(2) Who is a child of the taxpayer and who (A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (B) is a student.

(3) No exemption shall be allowed under this subdivision for any dependent who has made a joint return with his spouse under Section 18402 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(4) For purposes of paragraph (2), the term "child" means an individual who (within the meaning of Section 17056) is a son, stepson, daughter or stepdaughter of the taxpayer.

(5) For purposes of subparagraph (B) of paragraph (2) of this subdivision and Section 17059, the term "student" means an individual who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) Is a full-time student at an educational institution; or

(B) Is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state.

For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(d) A credit for personal exemption of eight dollars (\$8) for the taxpayer if he is blind at the close of his taxable year.

(e) A credit for personal exemption of eight dollars (\$8) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) For the purposes of this section, an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 1.6. Section 17064.6 is added to the Revenue and Taxation Code, to read:

17064.6. For the purposes of this chapter, the term "net business loss" means adjusted gross income (as defined in Section 17072) less the deductions allowed by Section 17252 (relating to expenses for production of income).

SEC. 2. Section 17064 of the Revenue and Taxation Code is amended to read:

17064. (a) For purposes of Section 17063, the excess investment interest for any taxable year is the amount by which the investment interest expense for the taxable year exceeds the sum of—

(A) The net investment income for the taxable year, and

(B) The amount (if any) by which the deductions allowable under Sections 17202, 17203, paragraph (1) or (2) of subdivision (a) of Section 17204, and Section 17252 attributable to property of the taxpayer subject to a net lease exceeds the gross rental income produced by such property for the taxable year.

(b) For purposes of this section,

(1) The term "net investment income" means the excess of investment income over investment expenses,

(2) The term "investment income" means—

(A) The gross income from interest, dividends, rents, and royalties,

(B) The net short-term capital gains attributable to the disposition of property held for investment, and

(C) Amounts treated under Sections 18211 and 18212 as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18181 or Section 18182, but only to the extent such income, gain, and amounts are not derived from the conduct of a trade or business.

(3) The term "investment expenses" means the deductions allowable under Section 17202, paragraphs (1) or (2) of subdivision (a) of Section 17204, Sections 17207 to 17211.7, inclusive, Sections 17217 to 17221, inclusive, Section 17252, or Section 17681 of this part, directly connected with the production of investment income. For purposes of this paragraph, the deduction allowable under Sections 17208 to 17211.7, inclusive, with respect to any property may be treated as the amount which would have been allowable had the taxpayer depreciated the property under the straight-line method for each taxable year of its useful life for which the taxpayer has held the property, and the deduction allowable under Section 17681 of this part with respect to any property may be treated as the amount which would have been allowable had the taxpayer determined the deduction under Section 17681 of this part without regard to Sections 17686 and 17687 for each taxable year for which the taxpayer has held the property.

(4) The term "investment interest expense" means interest paid or accrued on indebtedness incurred or continued to purchase or carry property held for investment. For purposes of the preceding sentence, interest paid or accrued on indebtedness incurred or continued in the construction of property to be used in a trade or business shall not be treated as an investment interest expense.

(c) For purposes of this section property which is subject to a net lease entered into after October 9, 1969, shall be treated as property held for investment, and not as property used in a trade or business.

(d) (1) For purposes of this chapter, property shall be considered to be subject to a net lease for a taxable year if—

(A) For such taxable year the sum of the deductions of the lessor with respect to such property which are allowable solely by reason of Section 17202 (other than rents and reimbursed amounts with respect to such property) is less than 15 percent of the rental income

produced by such property, or

(B) The lessor is either guaranteed a specified return or is guaranteed in whole or in part against loss of income.

(2) If a parcel of real property of the taxpayer is leased under two or more leases, subparagraph (A) of paragraph (1) of this subdivision shall, at the election of the taxpayer, be applied by treating all leased portions of such property as subject to a single lease.

(3) At the election of the taxpayer, subparagraph (A) of paragraph (1) of this subdivision shall not apply with respect to real property of the taxpayer which has been in use for more than five years.

(4) An election under paragraph (2) or (3) shall be made at such time and in such manner as the Franchise Tax Board prescribes by regulations.

SEC. 3. Section 17202 of the Revenue and Taxation Code is amended to read:

17202. (a) There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any delegate and resident commissioner) within the state, congressional district, territory, or possession which he represents in Congress shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of three thousand dollars (\$3,000).

(b) No deduction shall be allowed under subdivision (a) for any contribution or gift which would be allowable as a deduction under Sections 17214, 17215, 17216, and 17216.2 were it not for the percentage limitations, the dollar limitations, or the requirements as to the time of payment, set forth in such sections.

(c) (1) No deduction shall be allowed under subdivision (a) for any payment made, directly or indirectly, to an official or employee of any government, or of any agency or instrumentality of any government, if the payment constitutes an illegal bribe or kickback or, if the payment is to an official or employee of a foreign government, the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee. The burden of proof in respect of the issue,

for the purposes of this paragraph, as to whether a payment constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) shall be upon the Franchise Tax Board to the same extent as it bears the burden of proof when the issue relates to fraud.

(2) No deduction shall be allowed under subdivision (a) for any payment (other than a payment described in paragraph (1)) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or under any law of a state (but only if such state law is generally enforced), which subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Franchise Tax Board to the same extent as it bears the burden of proof when the issue relates to fraud. However, a deduction shall not be disallowed under this paragraph, if, with respect to a payment described herein, the taxpayer in a court of competent jurisdiction is acquitted of making an illegal bribe, kickback or payment.

(3) No deduction shall be allowed under subdivision (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of federal funds under a state plan approved under such act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

(d) No deduction shall be allowed under subdivision (a) for any fine or similar penalty paid to a government for the violation of any law.

(e) If in a criminal proceeding a taxpayer is convicted of a violation of the antitrust laws, or his plea of guilty or nolo contendere to an indictment or information charging such a violation is entered or accepted in such a proceeding, no deduction shall be allowed under subdivision (a) for two-thirds of any amount paid or incurred—

(1) On any judgment for damages entered against the taxpayer under Section 4 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (commonly known as the Clayton Act), on account of such violation or any related violation of the antitrust laws which occurred prior to the date of the final judgment of such conviction, or

(2) In settlement of any action brought under such Section 4 on

account of such violation or related violation.

The preceding sentence shall not apply with respect to any conviction or plea before January 1, 1971, or to any conviction or plea on or after such date in a new trial following an appeal of a conviction before such date.

(f) For special rule relating to expenses in connection with subdividing real property for sale, see Sections 18197 to 18199, inclusive.

SEC. 4. Section 17203 of the Revenue and Taxation Code is amended to read:

17203. (a) There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness. However, no deduction shall be allowed to the extent that it is connected with income not taxable under this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

(b) (1) If personal property or educational services are purchased under a contract—

(A) Which provides that payment of part or all of the purchase price is to be made in installments; and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained;

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

For purposes of this paragraph, the term "educational services" means any service (including lodging) which is purchased from an educational institution (as defined in subdivision (c) of Section 17150) and which is provided for a student of such institution.

(2) In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

(c) The amendments made in subdivision (b) shall apply to payments made during taxable years beginning after December 31, 1963.

(d) (1) The amount of investment interest (as defined in subparagraph (D) of paragraph (3)) otherwise allowable as a deduction under this part shall be limited, in the following order, to—

(A) Twenty-five thousand dollars (\$25,000) (twelve thousand five hundred dollars (\$12,500), in the case of a separate return by a married individual), plus

(B) The amount of the net investment income (as defined in

subparagraph (A) of paragraph (3), plus the amount (if any) by which the deductions allowable under this section (determined without regard to this subdivision) and Section 17202 paragraph (1) or (2) of subdivision (a) of Section 17204, or Section 17252 attributable to property of the taxpayer subject to a net lease exceeds the rental income produced by such property for the taxable year, plus

(C) An amount equal to the amount by which the total amount of capital gains recognized exceeds the total amount of capital losses recognized for the taxable year, plus

(D) One-half of the amount by which investment interest exceeds the sum of the amounts described in subparagraphs (A), (B), and (C).

In the case of a trust, the twenty-five-thousand-dollar (\$25,000) amount specified in subparagraph (A) and in subparagraph (A) of paragraph (2), shall be zero. In determining the amount described in subparagraph (C), only gains and losses attributable to the disposition of property held for investment shall be taken into account.

(2) (A) The amount of disallowed investment interest for any taxable year shall be treated as investment interest paid or accrued in the succeeding taxable year. The amount of the interest so treated which is allowable as a deduction by reason of the first sentence of this paragraph for any taxable year shall not exceed one-half of the amount by which—

(i) The net investment income for such taxable year plus twenty-five thousand dollars (\$25,000), exceeds

(ii) The investment interest paid or accrued during such taxable year (determined without regard to this paragraph) or twenty-five thousand dollars (\$25,000), whichever is greater.

(B) If—

(i) An amount of disallowed investment treated under subparagraph (A) as investment interest paid or accrued in the taxable year is not allowable as a deduction for such taxable year by reason of the second sentence of subparagraph (A), and

(ii) The taxpayer is not required to recognize a portion of capital gains by reason of Section 18162.5 (whether or not the taxpayer recognizes such gains), the amount of such disallowed investment interest shall be reduced by an amount equal to the amount not recognizable under Section 18162.5.

(3) For purposes of this subdivision—

(A) The term “net investment income” means the excess of investment income over investment expenses.

(B) The term “investment income” means—

(i) The gross income from interest, dividends, rents, and royalties,

(ii) The capital gain attributable to the disposition of property held for investment and held for not more than one year, and

(iii) Any amount treated under Sections 18211 and 18212 to

18218, inclusive as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182

but only to the extent such income, gain, and amounts are not derived from the conduct of a trade or business.

(C) The term "investment expenses" means the deductions allowable under Section 17202, paragraph (1) or (2) of subdivision (a) of Section 17204, Sections 17207, 17208 to 17211.7, inclusive, 17217 to 17221, inclusive, 17252, or 17681 directly connected with the production of investment income. For purposes of this subparagraph, the deduction allowable under Sections 17208 to 17211.5, inclusive, with respect to any property may be treated as the amount which would have been allowable had the taxpayer depreciated the property under the straight-line method for each taxable year of its useful life for which the taxpayer has held the property, and the deduction allowable under Section 17681 with respect to any property may be treated as the amount which would have been allowable had the taxpayer determined the deduction under Section 17681 without regard to Sections 17683 to 17688, inclusive, for each taxable year for which the taxpayer has held the property.

(D) The term "investment interest" means interest paid or accrued on indebtedness incurred or continued to purchase or carry property held for investment.

(E) The term "disallowed investment interest" means with respect to any taxable year, the amount not allowable as a deduction solely by reason of the limitations in paragraph (1) and subparagraph (A) of paragraph (2).

(4) (A) For purposes of this subdivision, property subject to a lease shall be treated as property held for investment, and not as property used in a trade or business, for a taxable year, if—

(i) For such taxable year the sum of the deductions of the lessor with respect to such property which are allowable solely by reason of Section 17202 (other than rents and reimbursed amounts with respect to such property) is less than 15 percent of the rental income produced by such property, or

(ii) The lessor is either guaranteed a specified return or is guaranteed in whole or in part against loss of income.

(B) In the case of a partnership, each partner shall, under regulations prescribed by the Franchise Tax Board, take into account separately his distributive share of the partnership's investment interest and the other items of income and expense taken into account under this subdivision.

(C) For purposes of this subdivision, interest paid or accrued on indebtedness incurred or continued in the construction of property to be used in a trade or business shall not be treated as investment interest.

(5) The amount equal to the amount of investment interest which is allowable as a deduction by reason of subparagraph (C) of paragraph (1) of this subdivision shall be treated as gain from the sale

or other disposition of property which is neither a capital asset nor property described in Sections 18181 and 18182.

(6) This subdivision shall not apply with respect to investment interest, investment income, and investment expenses attributable to a specific item of property, if the indebtedness with respect to such property—

(A) Is for a specified term, and

(B) Was incurred before December 17, 1969, or is incurred after December 16, 1969, pursuant to a written contract or commitment which, on such date and at all times thereafter prior to the incurring of such indebtedness, is binding on the taxpayer.

(e) The amendments made in subdivision (d) by the First Extraordinary Session of the 1971 Legislature and the Regular Session of the 1972 Legislature shall apply to taxable years beginning after December 31, 1971.

(7) For purposes of subparagraph (A) of paragraph (4)—

(A) If a parcel of real property of the taxpayer is leased under two or more leases, clause (i) of subparagraph (A) of paragraph (4) shall, at the election of the taxpayer, be applied by treating all leased portions of such property as subject to a single lease; and

(B) At the election of the taxpayer, clause (i) of subparagraph (A) of paragraph (4) shall not apply with respect to real property of the taxpayer which has been in use for more than five years.

An election under subparagraph (A) or (B) shall be made at such time and in such manner as the Franchise Tax Board prescribes by regulations.

SEC. 4.5. Section 17206.5 of the Revenue and Taxation Code is amended to read:

17206.5. Notwithstanding the provisions of subdivision (a) of Section 17206, any loss

(a) Attributable to a disaster which occurs during the period after the close of the taxable year and on or before the last day of the sixth calendar month beginning after the close of the taxable year, and

(b) Occurring in an area subsequently determined by the President of the United States to warrant assistance by the federal government under the Disaster Relief Act of 1970, at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this section, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

SEC. 5. Section 17771 of the Revenue and Taxation Code is amended to read:

17771. (a) For purposes of this article, the term “undistributed net income” for any taxable year means the amount by which the distributable net income of the trust for such taxable year exceeds the sum of—

(1) The amounts for such taxable year specified in paragraphs (1) and (2) of subdivision (a) of Section 17761, and

(2) The amount of taxes imposed on the trust attributable to such distributable net income.

(b) For purposes of this article, the term "accumulation distribution" for any taxable year of the trust means the amount by which the amounts specified in paragraph (2) of subdivision (a) of Section 17761 for such taxable year, exceed distributable net income for such year reduced (but not below zero) by the amounts specified in paragraph (1) of subdivision (a) of Section 17761.

(c) For purposes of this article, the term "taxes imposed on the trust" means the amount of the taxes which are imposed for any taxable year of the trust under this part (without regard to this article) and which, under regulations prescribed by the Franchise Tax Board, are properly allocable to the undistributed portions of the distributable net income and gains in excess of losses from sales or exchanges of capital assets. The amount determined in the preceding sentence shall be reduced by any amount of such taxes deemed distributed under Sections 17773, 17774, or subdivisions (d) and (e) of Section 17777, to any beneficiary.

(d) For purposes of this article, the term "preceding taxable year" does not include any taxable year of the trust—

(1) Which precedes by more than five years the taxable year of the trust in which an accumulation distribution is made, if it is made in a taxable year beginning before January 1, 1974,

(2) Which begins before January 1, 1969, in the case of an accumulation distribution made during a taxable year beginning after December 31, 1973, or

(3) Which begins before January 1, 1969, in the case of a capital gain distribution made during a taxable year beginning after December 31, 1968. In the case of a preceding taxable year with respect to which a trust qualifies (without regard to this article) under the provisions of Article 2, for purposes of the application of this article to such trust for such taxable year, such trust shall, in accordance with regulations prescribed by the Franchise Tax Board, be treated as a trust to which Article 3 applies.

(e) For purposes of this article, the term "undistributed capital gain" means, for any taxable year of the trust beginning after December 31, 1968, the amount by which—

(1) Gains in excess of losses from the sale or exchange of capital assets, to the extent that such gains are allocated to corpus and are not (A) paid, credited, or required to be distributed to any beneficiary during such taxable year, or (B) paid, permanently set aside, or used for the purposes specified in Section 17734, exceed

(2) The amount of taxes imposed on the trust attributable to such gains. For purposes of paragraph (1) the deduction under Section 18151 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

(f) For purposes of this article, the term "capital gain

distribution” for any taxable year of the trust means, to the extent of undistributed capital gain, that portion of—

(1) The excess of the amounts specified in paragraph (2) of subdivision (a) of Section 17761 for such taxable year over distributable net income for such year reduced (but not below zero) by the amounts specified in paragraph (1) of subdivision (a) of Section 17761, over

(2) The undistributed net income of the trust for all preceding taxable years.

SEC. 6. Section 17778 of the Revenue and Taxation Code is amended to read:

17778. (a) Except as otherwise provided in this section, the amendments made to this chapter at the 1971 First Extraordinary Session of the Legislature shall apply to taxable years beginning after December 31, 1970.

(b) (1) Amounts paid, credited, or required to be distributed by a trust on or before the last day of a taxable year of the trust beginning before January 1, 1974, shall not be deemed to be accumulation distributions to the extent that such amounts were accumulated by a trust in taxable years of such trust beginning before January 1, 1969, and would have been excepted from the definition of an accumulation distribution by reason of subdivision (b) of Section 17771, as in effect on December 31, 1968, if they had been distributed on the last day of the last taxable year of the trust beginning before January 1, 1969.

(2) For taxable years of a trust beginning before January 1, 1970, the first sentence of Section 17772 (as amended at the 1971 First Extraordinary Session of the Legislature) shall not apply, and the amount of the accumulation distribution of the trust for such taxable years shall be deemed to be an amount within the meaning of paragraph (2) of subdivision (a) of Section 17761 distributed on the last day of each of the preceding taxable years to the extent that such amount exceeds the total of any undistributed net income for any taxable years intervening between the taxable year with respect of which the accumulation distribution is determined and such preceding taxable year.

(3) In the case of a trust which was in existence on December 31, 1969, Section 17777, as amended at the 1971 First Extraordinary Session of the Legislature, shall not apply to capital gain distributions made to a beneficiary before January 1, 1973. If the beneficiary receives capital gain distributions from more than one such trust before January 1, 1973, the preceding sentence shall apply to capital gain distributions from only one of such trusts, such one to be designated by the taxpayer in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 7. Section 17854 of the Revenue and Taxation Code is amended to read:

17854. (a) The taxable income of a partnership shall be computed in the same manner as in the case of an individual except

that—

(1) The items described in Section 17852 shall be separately stated; and

(2) The following deductions shall not be allowed to the partnership:

(A) The standard deduction provided in Section 17171;

(B) The deduction for taxes provided in Section 17204(a) with respect to taxes, described in Section 18006, paid to another state;

(C) The deduction for charitable contributions provided in Sections 17214 to 17216, inclusive;

(D) The deduction for political contributions provided in Section 17234; and

(E) The additional itemized deductions for individuals provided in Article 7 of Chapter 3.¹

(b) Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership except that the election under Section 17689.5 (relating to deduction and recapture of certain mining exploration expenditures), under subdivision (d) of Section 17064 (relating to definition of net lease), or under Section 17203 (relating to limitation on interest on investment indebtedness), shall be made by each partner separately.

SEC. 8. Section 18414.5 of the Revenue and Taxation Code is amended to read:

18414.5. For taxable years beginning on and after January 1, 1972, and ending on or before November 30, 1973, every resident individual shall make a declaration of estimated tax if—

(a) Gross income can reasonably be expected to include income other than wages (as defined in Section 18807) amounting to one thousand dollars (\$1,000) or more in the case of a return filed by a single person or a joint return filed by a married couple, or five hundred dollars (\$500) or more in the case of a separate return filed by a married person, and

(b) The tax computed under Section 17041 or 17048 upon the estimated income for the taxable year, minus the sum of any credits against the tax provided by this part, is—

(1) One hundred dollars (\$100) or more in the case of a return by a single person or a joint return filed by a married couple, or

(2) Fifty dollars (\$50) or more in the case of a separate return filed by a married person.

(c) If on or before January 31 (or March 1, in the case of an individual referred to in paragraph (2) of subdivision (b) of Section 18435, relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Franchise Tax Board—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by subdivision (b) of this section) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration.

In the application of this subdivision, in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subdivision, the 15th or last day of the months which correspond thereto.

SEC. 9. Section 18643 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 18643 is added to the Revenue and Taxation Code, to read:

18643. (a) A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once.

(b) The collection of the whole or any amount of a jeopardy assessment may be stayed, at any time before the assessment becomes final, by filing with the Franchise Tax Board: (1) a bond in an amount equal to the amount (together with interest thereon to the date of payment) as to which the stay is desired, conditioned upon the payment of the amount, the collection of which is stayed by the bond, upon notice and demand by the Franchise Tax Board after the assessment becomes final; or (2) other security in such amount as the Franchise Tax Board may deem necessary, not exceeding double the amount (together with interest thereon to the date of payment) as to which the stay is desired.

(c) Upon the filing of the bond or other security the collection of so much of the amount assessed as is covered by the bond or other security shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond or other security, and if as a result of such waiver any part of the amount covered by the bond or other security is paid, then the bond or other security shall, at the request of the taxpayer, be proportionately reduced. If any portion of the jeopardy assessment is abated, the bond or other security shall, at the request of the taxpayer, be proportionately reduced.

(d) The Franchise Tax Board may, prior to the time the assessment becomes final, stay collection of the whole or any amount of a jeopardy assessment if it finds that jeopardy does not exist.

(e) Where collection of the whole or any amount of a jeopardy assessment has been stayed under this section, the period of limitation on any action to collect shall be tolled during the time of such stay.

SEC. 11. Section 18644 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 18644 is added to the Revenue and Taxation Code, to read:

18644. Within 60 days after the mailing or issuance of each

jeopardy assessment the taxpayer may file with the Franchise Tax Board a written petition for reassessment, specifying in the petition the grounds upon which it is based. If no petition for reassessment is filed, the jeopardy assessment becomes final upon expiration of the 60-day period. The filing of a petition for reassessment shall not operate to stay collection. Collection may be stayed only as provided in Section 18643.

SEC. 13. Section 18645 of the Revenue and Taxation Code is amended to read:

18645. If a petition for reassessment is filed, the Franchise Tax Board shall reconsider the jeopardy assessment and, if the taxpayer has so requested in his petition, the Franchise Tax Board shall grant him or his authorized representative an oral hearing. The Franchise Tax Board's action upon the petition for reassessment is final upon the expiration of 30 days from the date when it mails notice of its action to the taxpayer, unless within that 30-day period the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

SEC. 14. Section 18682 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 18683 of the Revenue and Taxation Code is amended to read:

18683. If any taxpayer fails or refuses to furnish any information requested in writing by the Franchise Tax Board or fails or refuses to make and file a return required by this part upon notice and demand by the Franchise Tax Board, the Franchise Tax Board may add a penalty of 25 percent of the amount of tax determined pursuant to Section 18648 or of any deficiency tax assessed by the Franchise Tax Board concerning the assessment of which the information or return was required.

SEC. 15.5. Section 19409 is added to the Revenue and Taxation Code, to read:

19409. Any person or employer who, with or without intent to evade, fails to withhold, pursuant to Sections 18805 or 18806, or pay over any tax withheld, shall be guilty of a misdemeanor, and, upon conviction be fined an amount not to exceed one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, at the discretion of the court.

SEC. 16. Section 24343 of the Revenue and Taxation Code is amended to read:

24343. (a) There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the income year in carrying on any trade or business, including—

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered; and

(2) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which it has no equity.

(3) Traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business.

(b) (1) No deduction shall be allowed under subdivision (a) for any payment made, directly or indirectly, to an official or employee of any government, or of any agency or instrumentality of any government, if the payment constitutes an illegal bribe or kickback or, if the payment is to an official or employee of a foreign government, the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee. The burden of proof in respect of the issue, for the purposes of this paragraph, as to whether a payment constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) shall be upon the Franchise Tax Board to the same extent as it bears the burden of proof when the issue relates to fraud.

(2) No deduction shall be allowed under subdivision (a) for any payment (other than a payment described in paragraph (1)) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or under any law of a state (but only if such state law is generally enforced), which subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Franchise Tax Board to the same extent as it bears the burden of proof when the issue relates to fraud. However, a deduction shall not be disallowed under this paragraph, if, with respect to a payment described herein, the taxpayer in a court of competent jurisdiction is acquitted of making an illegal bribe, kickback or payment.

(3) No deduction shall be allowed under subdivision (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of federal funds under a state plan approved under such act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

(c) No deduction shall be allowed under subdivision (a) for any contribution or gift which would be allowable as a deduction under Sections 24357, 24358, and 24359 were it not for the percentage limitations, or the requirements as to the time of payment, set forth in such sections.

(d) For purposes of this part, whenever the amount of capital contributions evidenced by a share of stock issued pursuant to Section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., Section 1718) exceeds the fair market value of the stock as of the issue date of such stock, the initial holder of the stock shall treat the excess as ordinary and necessary expenses paid or incurred during the income year in carrying on a trade or business.

(e) No deduction shall be allowed under subdivision (a) for any fine or similar penalty paid to a government for the violation of any law.

(f) If in a criminal proceeding a taxpayer is convicted of a violation of the antitrust laws, or its plea of guilty or nolo contendere to an indictment or information charging such a violation is entered or accepted in such a proceeding, no deduction shall be allowed under subdivision (a) for two-thirds of any amount paid or incurred—

(1) On any judgment for damages entered against the taxpayer under Section 4 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (commonly known as the Clayton Act), on account of such violation or any related violation of the antitrust laws which occurred prior to the date of the final judgment of such conviction, or

(2) In settlement of any action brought under such Section 4 on account of such violation or related violation.

The preceding sentence shall not apply with respect to any conviction or plea before January 1, 1971, or to any conviction or plea on or after such date in a new trial following an appeal of a conviction before such date.

SEC. 17. Section 25563.3 is added to the Revenue and Taxation Code, to read:

25563.3. For purposes of this article, with respect only to income years beginning after December 31, 1971, and before January 1, 1973, the term "estimated tax" shall not include the tax imposed by Chapter 2.5 (commencing with Section 23400) of this part.

SEC. 18. Section 25761a of the Revenue and Taxation Code is repealed.

SEC. 19. Section 25761a is added to the Revenue and Taxation Code, to read:

25761a. (1) A jeopardy assessment is immediately due and payable, and proceedings for collection may be commenced at once.

(2) The collection of the whole or any amount of a jeopardy assessment may be stayed, at any time before the assessment becomes final, by filing with the Franchise Tax Board: (1) a bond in an amount equal to the amount (together with interest thereon to the date of payment) as to which the stay is desired, conditioned upon the payment of the amount, the collection of which is stayed by the bond, upon notice and demand by the Franchise Tax Board, after the assessment becomes final; or, (2) other security in such

amount as the Franchise Tax Board may deem necessary, not exceeding double the amount (together with interest thereon to date of payment) as to which the stay is desired.

(3) Upon the filing of the bond or other security the collection of so much of the amount assessed as is covered by the bond or other security shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond or other security, and if as a result of such waiver any part of the amount covered by the bond or other security is paid, then the bond or other security shall, at the request of the taxpayer, be proportionately reduced. If any portion of the jeopardy assessment is abated, the bond or other security shall, at the request of the taxpayer, be proportionately reduced.

(4) The Franchise Tax Board may, prior to the time the assessment becomes final, stay collection of the whole or any amount of a jeopardy assessment if it finds that jeopardy does not exist.

(5) Where collection of the whole or any amount of a jeopardy assessment has been stayed under this section, the period of limitation on any action to collect shall be tolled during the time of such stay.

(6) Within 60 days after the mailing or issuance of each jeopardy assessment the taxpayer may file with the Franchise Tax Board a written petition for reassessment, specifying in the petition the grounds upon which it is based. If no petition for reassessment is filed the jeopardy assessment becomes final upon expiration of the 60-day period. The filing of a petition for reassessment shall not operate to stay collection. Collection may be stayed only as provided in paragraphs (2), (3), and (4) of this section.

(7) If a petition for reassessment is filed, the Franchise Tax Board shall reconsider the jeopardy assessment and, if the taxpayer has so requested in his petition, shall grant the taxpayer or his authorized representative an oral hearing. The Franchise Tax Board's action upon the petition for reassessment is final upon the expiration of 30 days from the date when it mails notice of its action to the taxpayer, unless within that 30-day period the taxpayer appeals in writing from the action of the Franchise Tax Board to the board.

(8) The taxpayer may appeal to the board from the Franchise Tax Board's action on the petition for reassessment, the appeal to be made in the manner prescribed by Section 25667. The provisions of Article 1 of Chapter 20 relating to an appeal from the action of the Franchise Tax Board on a protest against an additional tax proposed to be assessed shall be applicable to the appeal.

SEC. 20. Section 25932 of the Revenue and Taxation Code is repealed.

SEC. 21. Section 25933 of the Revenue and Taxation Code is amended to read:

25933. If any taxpayer fails or refuses to furnish any information requested in writing by the Franchise Tax Board or fails or refuses to make and file a return required by this part upon notice and

demand by the Franchise Tax Board, the Franchise Tax Board may add a penalty of 25 percent of the amount of tax determined pursuant to Section 25731 or of any deficiency tax assessed by the Franchise Tax Board concerning the assessment of which the information or return was required.

SEC. 22. The intent of the Legislature in the addition of Section 24437 to the Revenue and Taxation Code through the enactment of Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature was to identify the organizations making an election under subsection (c) of Section 456 of the Internal Revenue Code, and shall not be construed to adopt the substantive provisions of subsection (c) of Section 456 of the Internal Revenue Code.

SEC. 23. Sections 1.5, 3, 4 and 16 of this act shall become operative for taxable years beginning after December 31, 1971.

SEC. 23.5. Section 4.5 of this act shall apply to disasters occurring after December 31, 1971, and shall be applied in the computation of taxes for taxable years ending after such date.

SEC. 24. Sections 14, 15, 20 and 21 of this act shall become operative January 1, 1974.

SEC. 26. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1066

An act to amend Section 20814.5 of the Education Code, and to add Chapter 3 (commencing with Section 16140) to Part 1 of Division 4 of Title 2 of, to amend and renumber Sections 16107, 16108, 16109, 16110, 16111, 16112, 16113, 16114, 16115, 16116, 16117, and 16118 of, and to amend Sections 16101 and 65570 of, the Government Code, relating to subventions for open-space lands, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20814.5 of the Education Code, as added by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended to read:

20814.5. For the purpose of preserving open-space lands, school districts are authorized to levy a "revenue factor adjustment" tax, which shall be such amount as will produce the amount of revenue which would be produced if the tax rate specified in Section 16148 of the Government Code had been applied to the open-space adjustment determined pursuant to Section 16149 of such code, less the difference between the amount of basic aid, equalization aid, and

supplemental support computed for the district and the amount of basic aid, equalization aid, and supplemental support which would have been computed for the district if the assessed valuation had been equivalent to the adjusted assessed valuation determined pursuant to Section 16149; provided, however, that such "revenue factor adjustment" tax shall not exceed three cents (\$.03) for each one hundred dollars (\$100) of assessed valuation.

SEC. 2. Section 16101 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended to read:

16101. It is the purpose of this chapter to provide replacement revenues to local government by reason of the repeal or reduction of the property tax on the following classes of property affected by the following provisions of the Revenue and Taxation Code: (1) business inventories under Section 219; (2) motion pictures under Section 988; (3) livestock under Section 5523; and (4) wine and brandy under Section 992.

SEC. 3. Chapter 3 (commencing with Section 16140) is added to Part 1 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 3. OPEN-SPACE SUBVENTIONS

16140. There is hereby continuously appropriated to the Controller from the State General Fund a sum sufficient to make the payments required by this chapter.

16141. It is the purpose of this chapter to provide replacement revenues to local government by reason of the reduction of the property tax on open-space lands assessed under Sections 423 and 423.5 of the Revenue and Taxation Code.

SEC. 4. Section 16107 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16142. The Secretary of the Resources Agency shall direct the Controller to pay annually out of the funds appropriated by Section 16140, to each eligible county, city, or city and county the following amounts for each acre of land within its regulatory jurisdiction that is assessed pursuant to Section 423 or 423.5 of the Revenue and Taxation Code:

(a) Three dollars (\$3) for prime agricultural land as defined in Section 51201 of this code which is:

- (1) Within an incorporated city,
- (2) Within three miles of the boundaries of an incorporated city with 1,500 or more registered voters, or
- (3) Within one mile of the boundaries of an incorporated city with less than 1,500 registered voters.

(b) One dollar and fifty cents (\$1.50) for all other prime agricultural land,

(c) Fifty cents (\$.50) for all land, other than prime agricultural land, which is devoted to open-space uses of statewide significance

defined in Section 16143.

SEC. 5. Section 16108 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16143. Land shall be deemed to be devoted to open-space uses of statewide significance if it:

(a) Could be developed as prime agricultural land, or

(b) Is open-space land as defined in Section 65560 which constitutes a resource whose preservation is of more than local importance for ecological, economic, educational, or other purposes. The Secretary of the Resources Agency shall be the final judge of whether the land is in fact devoted to open-space use of statewide significance.

SEC. 6. Section 16109 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16144. On or before October 31, 1972, and annually thereafter, the governing body of each county, city, or city and county shall submit a report to the Secretary of the Resources Agency itemizing the number of acres of land under its regulatory jurisdiction which it believes to be qualified for state payments pursuant to the various categories enumerated in Section 16142, together with such supporting documentation as the secretary by regulation may require. The secretary, after reviewing the report and determining the eligibility of the local government to receive payment and the actual amount to which it is entitled, shall certify that amount to the Controller for payment, and the Controller shall make such payment by December 31, 1972, and annually thereafter.

The secretary may make such supplemental reports to the Controller as it deems necessary throughout the year to give effect to new or additional information received from local governing bodies, correct errors, and dispose of contested or conditional situations. Upon receiving such reports, the Controller shall pay any amount certified therein, and may withhold and deduct any certified overpayment from the amount that would otherwise be paid to the local government in the next succeeding year.

SEC. 7. Section 16110 of the Government Code, as added by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16145. Funds received by local governments pursuant to the provisions of this chapter may be used for county, city, or city and county purposes, as the case may be, or may, but need not necessarily, be used for purposes of general interest and benefit to the state. The use of such funds shall include administration, supervision, and enforcement of any open-space program under which a local government receives such funds. Such funds may also include an allocation of all or part of them to any special district or school district existing within boundaries of a local government in which land is assessed pursuant to Section 423 or 423.5 of the Revenue

and Taxation Code, and which has thereby suffered a reduction in its assessed valuation, when the local governing body determines:

(a) That the loss of assessed value is substantial and will have an adverse effect upon programs of public importance carried on by the district.

(b) The benefits flowing from the restrictions on the use of land within the district do not accrue solely or primarily to landowners or residents within the districts.

(c) That the taxes collected by the district are not devoted to expenditures primarily of benefit to land or landowners within the district.

Any special district or school district may make application for an allocation of such funds from the local government in the form and with such supporting evidence as the governing board of the local government may require. Such governing board may also adopt such uniform standards as it believes necessary to determine the amount and method of payment of such assistance, and may provide for such payments to be reduced annually, according to a schedule, so as to cease financial assistance over a specified period of years. However, nothing herein shall be construed as requiring the governing board of the local government to make any allocation to any special district, or school district, and the governing board of such local government shall be the sole judge of the entitlement of any special district or school district to any allocation, and to the amount of such allocation if granted.

SEC. 8. Section 16111 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16146. The Secretary of the Resources Agency may determine, after notice and hearing, that a local government is ineligible to receive state payments pursuant to this article by reason of its failure to comply with the provision of Article 10.5 (commencing with Section 65560) of Chapter 3 of Title 7 of this code, or with the provisions of any program which establishes an enforceable restriction upon which the assessment of land within its jurisdiction pursuant to Section 423 or 423.5 of the Revenue and Taxation Code is based. This section shall not be construed to require the disqualification of any land from assessment pursuant to Section 423 or 423.5 of the Revenue and Taxation Code as a consequence of any determination of ineligibility by the secretary.

SEC. 9. Section 16112 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16147. The Secretary of the Resources Agency may request the Attorney General to bring any action in court necessary to enforce any enforceable restriction as defined in Section 422 of the Revenue and Taxation Code, upon land for which the secretary has certified payment of state funds to the local governing body during the current or any preceding fiscal year. Such action may include, but is

not limited to, an action to enforce the contract by specific performance or injunction.

SEC. 10. Section 161.3 of the Government Code, as added by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16148. The Superintendent of Public Instruction shall determine the amount by which the school district tax rate for general fund purposes for each school district in which land assessed pursuant to Section 423 or 423.5 of the Revenue and Taxation Code is situated exceeds:

- (a) Two dollars (\$2) for each elementary district.
- (b) One dollar and ten cents (\$1.10) for each high school district.
- (c) Three dollars and ten cents (\$3.10) for each unified district maintaining grades kindergarten through 12.
- (d) Three dollars and thirty-five cents (\$3.35) for each unified district maintaining grades kindergarten through 14.
- (e) Twenty-five cents (\$0.25) for each community college district.

The Superintendent of Public Instruction shall then determine the product of such amount multiplied by the open-space adjustment determined pursuant to Section 16149.

SEC. 11. Section 16114 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16149. On or before October 31, 1972, and on or before the last day of October of each year thereafter, the assessor shall report the open-space adjustment for each school district located in the county to the Controller and to the Superintendent of Public Instruction. The open-space adjustment shall be calculated by determining the difference between:

- (a) The adjusted assessed value of all land in the district in the base year, which shall be the last assessment year prior to the application of Section 423 or 423.5 of the Revenue and Taxation Code to any land within the district, and
- (b) The assessed value of all land within the district for the current assessment year.

For the purposes of subdivision (a), "adjusted assessed value" shall be computed by multiplying the actual assessed value of land in the district in the base year by the percentage which the gross assessed value of all land in the state on the local roll outside of municipalities without deductions for any exemptions for the current assessment year is of the gross assessed value of all land on the local roll outside municipalities without deductions for any exemptions in the base year. The Controller shall announce the factors to be used by the assessors on or before October 15th of each year.

For purposes of determining the "actual assessed value of land" in the district in the base year, any assessor who had announced that he was using an assessment ratio of less than 25 percent in the base year pursuant to Section 401 of the Revenue and Taxation Code shall adjust the actual assessed value of the land in the district in the base

year to the assessed value which would have been on the roll had the assessor announced a 25-percent assessment ratio. If no announced ratio exists for the base year, the base year ratio shall be the ratio announced for the 1967–1968 fiscal year.

If the value of land within the district for the current assessment year is greater than the adjusted assessed value of the base year, there shall be no reimbursement.

SEC. 12. Section 16115 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16150. A basic aid school district shall not receive any assistance under the provisions of this article if its actual assessed value per pupil is greater than the product of the base year (as defined in subdivision (a) of Section 16149) assessed value per pupil times the percentage which the estimated or actual current expense of education per pupil in the state for the current year is of the current expense of education per pupil in the state for the base year.

SEC. 13. Section 16116 of the Government Code, as added by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16151. The Superintendent of Public Instruction shall apportion and allow to each eligible school district the amount derived pursuant to Section 16148 as part of the second principal apportionment.

SEC. 14. Section 16117 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16152. The other provisions of this chapter notwithstanding, no city, county, or city and county shall receive more money by reason of the funds provided for in the open-space provisions of this chapter than such governmental entity might have received had no property in the entity been assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code. This determination shall be made by:

(a) Multiplying the last unrestricted assessed value of each parcel now subject to assessment under Sections 423 or 423.5 of the Revenue and Taxation Code by the percentages which the current gross assessed value of all land on the local roll outside municipalities without deduction for exemption in the state is of the gross assessed value of all land on the local roll outside municipalities without deduction for exemption in the state for the last year in which the parcel was not so restricted;

(b) Subtracting the current assessed value for the parcel from the figure derived pursuant to subdivision (a);

(c) Calculating the total of all differences determined pursuant to subdivision (b) for land under control of, or, in the case of cities, within the boundaries of, the entity in question; and

(d) Multiplying the total derived under subdivision (c) by the tax rate for the current year of the entity in question.

The determinations required by this section shall be made by the

Secretary of the Resources Agency, and he shall base his computations on "the last unrestricted assessed value," as used in subdivision (a), by factoring the assessed values in any county in which the assessor had announced that he was using an assessment ratio of less than 25 percent in any year to the value which would have been on the roll had such assessor announced a 25-percent assessment ratio. If no announced ratio exists for such year, the ratio for such year shall be the ratio announced for the 1967-1968 fiscal year.

SEC. 15. Section 16118 of the Government Code, as added by Chapter 1 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended and renumbered to read:

16153. Notwithstanding any other provision of this chapter, state disbursements under this chapter by reason of property assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code shall not exceed thirteen million dollars (\$13,000,000) in the 1972-1973 fiscal year, fifteen million dollars (\$15,000,000) in the 1973-1974 fiscal year, and seventeen million dollars (\$17,000,000) in the 1974-1975 fiscal year. In the 1975-1976 fiscal year, state disbursements shall not exceed 115 percent of the state disbursements in the 1974-1975 fiscal year. The amounts provided for in this section may be exceeded by any amounts deposited in the State General Fund under Sections 51061 and 51283.

If claims by local governmental agencies exceed the limitation of this section, reductions in state disbursements shall be made on a pro rata per acre basis, first on funds allocated on nonprime lands, and second on funds to local governments on prime lands, and third to school district disbursements.

The Secretary of the Resources Agency shall report to the Legislature on the impact of the expiration of the fiscal limitations in this section. A final report shall be submitted to the Legislature by April 1, 1973, in order that the Legislature can evaluate its fiscal commitment to this program for future years.

SEC. 16. Section 65570 of the Government Code, as amended by Chapter 2 of the Statutes of the 1971 First Extraordinary Session of the Legislature, is amended to read:

65570. (a) The State Office of Planning and Research shall prepare an inventory of present and potential prime agricultural land resources in California, together with estimates of the amounts of such land that should be preserved during the following decade in order to carry out the purposes of Section 51220 of this code. Such inventory shall also include, but is not limited to, the various types and uses of prime agricultural land, the identification of critical uses or specific areas of statewide importance, and estimates of the amounts of prime or potentially prime land within each city or county that may require preservation.

(b) The Secretary of the Resources Agency may establish, after notice and hearing, rules and regulations, and require reports from local officials and may employ, borrow, or contract for such staff or

other forms of assistance as are reasonably necessary to carry out the provisions of Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of this code. In carrying out his duties under those sections, it is the intention of the Legislature that the secretary shall consult with the Director of the Department of Agriculture and the Director of the State Office of Planning and Research.

SEC. 17. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide for the computations made to determine the amount of subventions to local government to encourage the open-space programs to be based on uniform assessment ratios of 25 percent at the earliest possible time, it is necessary for this act to go into immediate effect.

CHAPTER 1067

An act making an appropriation for aquaculture.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby appropriated from the General Fund to the Regents of the University of California for the purpose of research and development in aquaculture.

SEC. 2. "Aquaculture," as used in this act, is the propagation of marine animals for human consumption.

CHAPTER 1068

An act appropriating funds for the new careers in education act, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Department of Education from the General Fund the sum of one hundred twenty-five thousand dollars (\$125,000) in augmentation of Item 261 of the Budget Act of 1972 (Statutes of 1972, Chapter 156), for the period July 1, 1972, to June 30, 1973, to recruit and train persons of

low income background to teach in low income elementary schools as provided by Article 2.8 (commencing with Section 13250) of Chapter 2 of Division 10 of the Education Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to insure proper recruiting and training of qualified persons of low-income background who will teach in low-income elementary schools during the 1972-73 school year, it is necessary that this act become operative as early in the 1972-73 school year as possible. For this reason it is necessary that this act go into immediate effect.

CHAPTER 1069

An act to amend Sections 25951, 25953, 26001, 26002, and 26151 of, and to add Sections 23601.6, 23601.9, 26052.5, 26052.6, 26064, 26065, 26066, and 26158 to, and to repeal Sections 26004 and 26006 of, the Education Code, relating to the California Maritime Academy.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23601.6 is added to the Education Code, to read:

23601.6. The trustees shall provide the following services to the California Maritime Academy Board of Governors pursuant to contract providing for compensation, either in direct payment or by means of the exchange of services or use of facilities, to the trustees for such services:

- (a) Legal services.
- (b) Legislative representation.
- (c) Assistance in curriculum development to the extent requested by the board of governors.

SEC. 2. Section 23601.9 is added to the Education Code, to read:

23601.9. The trustees, or a designated committee thereof, shall be a board of visitors to the board of governors of the California Maritime Academy and shall meet with the board of governors to discuss policies and concepts common to the two institutions, and to advise the board of governors.

However, such status as a board of visitors shall in no way affect the exclusive authority of the board of governors to administer the academy, and the California State University and Colleges or the trustees shall not be legally responsible in any way for the acts or omissions of the California Maritime Academy or the board of

governors.

SEC. 3. Section 25951 of the Education Code is amended to read:

25951. A state nautical school shall be maintained at the Port of San Francisco to provide instruction on the nautical sciences, marine engineering, and related fields, including all those necessary to provide the highest quality licensed officers for the American Merchant Marine and California maritime industries. Said instruction shall be based upon the foundation of general studies for the purpose of preparing students for said Merchant Marine and industries and licensing therein.

SEC. 4. Section 25953 of the Education Code is amended to read:

25953. The nautical school may be known as the California State Nautical School, the California Maritime Academy, or by such other name as the board of governors determines. The terms "college" or "university" shall not be used in any such designation.

SEC. 5. Section 26001 of the Education Code is amended to read:

26001. The California Maritime Academy shall be administered by a board of governors designated as the California Maritime Academy Board of Governors, which is hereby created. The board shall be composed of seven members appointed by the Governor. Two of the appointive members shall be educators from the field of higher education. Three of the appointive members shall be public lay members, one of whom shall be selected by the other members to serve as the chairman of the board. Two of the appointive members shall be representatives of the maritime industry. The board of governors shall request the Federal Maritime Administration to appoint a representative of the administration to meet with the board. Such a representative shall not have a vote.

SEC. 6. Section 26002 of the Education Code is amended to read:

26002. The term of office of the appointive members of the board is four years and they shall hold office until the appointment and qualification of their successors. Each term shall expire on the 15th of January and terms shall expire in the same relative order as to each appointive member. Vacancies shall be filled by appointment for the unexpired term.

SEC. 7. Section 26004 of the Education Code is repealed.

SEC. 8. Section 26006 of the Education Code is repealed.

SEC. 9. Section 26052.5 is added to the Education Code, to read:

26052.5. The board of governors shall obtain the following services from the Trustees of the California State University and Colleges pursuant to a contract providing for compensation, either in direct payment or by means of the exchange of services or use of facilities, to the trustees for such services:

- (a) Legal services.
- (b) Legislative representation.
- (c) Assistance in curriculum development to the extent requested by the board of governors.

SEC. 10. Section 26052.6 is added to the Education Code, to read:

26052.6. The California Maritime Academy Board of Governors

may contract with the Department of Education or other appropriate state agency or agencies to provide for personnel services.

SEC. 11. Section 26064 is added to the Education Code, to read:

26064. The Legislature hereby finds that attendance at the California Maritime Academy is a full-time occupation which does not allow opportunity for student employment. For that reason, it is impossible for students attending the academy to contribute to the cost of their education through employment while attending. This limits the opportunity for students who have no financial ability to contribute to the payment of their cost of education.

For these reasons, the board of governors shall develop a positive policy providing opportunities for financial help for students to attend the academy and to actively recruit students from economically disadvantaged backgrounds. In order to implement this policy, the board may make full use of any and all state and federal funds available and may receive private contributions, including those from the maritime industry for this purpose.

SEC. 12. Section 26065 is added to the Education Code, to read:

26065. The board of governors shall take all necessary steps, in accordance with state law, to receive the maximum possible amount of federal funds from all available sources.

SEC. 13. Section 26066 is added to the Education Code, to read:

26066. The Legislature recognizes that the California Maritime Academy has unique facilities, such as a deep-water dock, the ship Golden Bear, several smaller vessels, and equipment which provide potential resources to the California State University and Colleges.

The Trustees of the California State University and Colleges and the board of governors are encouraged to cooperate in programs designed to increase the sharing and lending of facilities and to allow the exchange of students and instructors when such action is not inconsistent with the primary goals of each institution.

SEC. 14. Section 26151 of the Education Code is amended to read:

26151. Any resident of the state who has the required qualifications may be admitted to the school as a student. Each such student shall pay the tuition fee fixed by the board of governors but such fee shall not be fixed at less than one hundred thirty-five dollars (\$135) a trimester.

The board of governors may waive the required qualifications for up to 4 percent of the students.

SEC. 15. Section 26158 is added to the Education Code, to read:

26158. Students at the school are eligible for state competitive scholarships and the board of governors is encouraged to present a proposal to the Legislature to provide funds for an educational opportunity program for which students at the school are eligible.

CHAPTER 1070

An act to amend Section 1609.2 of the Revenue and Taxation Code, relating to local equalization proceedings.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1609.2 of the Revenue and Taxation Code is amended to read:

1609.2. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

At such hearing, the county board of equalization or assessment appeals board shall consider, among other factors, the market value of comparable properties that lie in the vicinity of the property under consideration, as established by the assessor, and, at the request of the party affected or his agent, such evidence shall be admitted.

CHAPTER 1071*An act to amend Section 5101 of the Civil Code, and to amend Section 244 of the Government Code, relating to residence.*

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 5101 of the Civil Code is amended to read:

5101. The husband is the head of the family. He may choose any reasonable place or mode of living.

SEC. 2. Section 244 of the Government Code is amended to read:

244. In determining the place of residence the following rules shall be observed:

(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

(b) There can only be one residence.

(c) A residence cannot be lost until another is gained.

(d) The residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of such unmarried

minor child.

(e) A married woman shall have the right to retain her own legal residence in the State of California notwithstanding the legal residence or domicile of her spouse.

(f) The residence of an unmarried minor who has a parent living cannot be changed by his own act.

(g) The residence can be changed only by the union of act and intent.

CHAPTER 1072

An act to amend Section 100 of the Harbors and Navigation Code, relating to navigable waters.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 100 of the Harbors and Navigation Code is amended to read:

100. Navigable waters and all streams of sufficient capacity to transport the products of the country are public ways for the purposes of navigation and of such transportation. However, the floodwaters of any navigable river, stream, slough, or other watercourse while temporarily flowing above the normal high-water mark over public or private lands outside any established banks of such river, stream, slough, or other watercourse are not navigable waters and nothing in this section shall be construed as permitting trespass on any such lands. For the purposes of this section, "floodwaters" refers to that elevation of water which occurs at extraordinary times of flood and does not mean the water elevation of ordinary annual or recurring high waters resulting from normal runoff.

CHAPTER 1073

An act to amend Section 41500 of the Vehicle Code, relating to nonprosecution of nonfelony Vehicle Code violations.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 41500 of the Vehicle Code is amended to read:

41500. (a) No person shall be subject to prosecution for any nonfelony offense arising out of the operation of a motor vehicle or violation of this code as a pedestrian which is pending against him at the time of his commitment to the custody of the Director of Corrections.

(b) Notwithstanding any other provisions of law to the contrary, no driver's license shall be suspended or revoked, nor shall the issuance or renewal of such license be refused as a result of a pending nonfelony offense occurring prior to the time a person was committed to the custody of the Director of Corrections or as a result of a notice received by the department pursuant to subdivision (a) of Section 40509 when the offense which gave rise to the notice occurred prior to the time a person was committed to the custody of the Director of Corrections.

(c) The department shall remove from its records any notice received by it pursuant to subdivision (a) of Section 40509 upon receipt of satisfactory evidence that a person was committed to the custody of the Director of Corrections after the offense which gave rise to the notice occurred.

(d) The provisions of this section shall not apply to any nonfelony offense wherein the department is required by this code to immediately revoke or suspend the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of such nonfelony offense.

(e) The provisions of subdivisions (a), (b), and (c) shall not apply to any offense committed by a person while he is temporarily released from custody pursuant to law or while he is on parole.

CHAPTER 1074

An act to add Chapter 5.5 (commencing with Section 18310) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to senior citizens.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing with Section 18310) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 5.5. GREEN LIGHT-GREEN THUMB
PROGRAMS

18310. The purpose of this chapter is to establish the Green Light-Green Thumb programs for the benefit of senior citizens in California, as funded under the mainstream program of the Economic Opportunity Act of 1965, as amended, and as administered by the United States Department of Labor.

18311. Funds received pursuant to this chapter shall be administered by the California Commission on Aging, and such commission shall provide any planning necessary to implement the programs established under this chapter.

18312. The state shall supply the necessary in-kind equipment and materials for projects under which the Green Light-Green Thumb programs contract with a department or agency of the state. In projects under which the Green Light-Green Thumb programs contract directly with local government entities, such local governmental entities shall supply the necessary in-kind equipment and materials.

CHAPTER 1075

*An act to amend Section 26680 of the Health and Safety Code,
relating to drugs and devices.*

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 26680 of the Health and Safety Code is amended to read:

26680. Section 26670 does not apply to any of the following:

(a) A drug or device which is sold in this state, or introduced into interstate commerce, at any time prior to the enactment of the federal act, if its labeling and advertising contained the same representations concerning the conditions of its use.

(b) Any drug which is licensed under the Public Health Service Act of July 1, 1944 (58 Stats. 682, as amended; 42 U.S.C., Sec. 201 et seq.) or under the provisions of the eighth paragraph of the heading of Bureau of Animal Industry of the act of March 4, 1913 (37 Stat. 832-833; 21 U.S.C., Sec. 151 et seq.), commonly known as the "Virus-Serum-Toxin Act."

(c) Any antibiotic drug which is subject to Section 26651.

(d) Any device used within the scope of his license privilege by a physician and surgeon, podiatrist, dentist, optometrist, chiropractor, or veterinarian licensed as such in this state.

CHAPTER 1076

An act to amend Section 13468.2 of the Education Code, relating to school certificated employees.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13468.2 of the Education Code is amended to read:

13468.2. Any certificated employee of any school district who accepts a position requiring certification qualifications in the office of any county superintendent of schools; or, any certificated employee of any county superintendent of schools who accepts a position requiring certification qualifications in a school district or office of another county superintendent of schools; or, any person employed by the State Department of Education in a position requiring certification qualifications or an employee of the office of the Chancellor of the California Community Colleges who accepts a position requiring certification qualifications in any school district or office of any county superintendent of schools; or, any certificated employee of the Commission for Teacher Preparation and Licensing who accepts a position requiring certification qualifications in any school district or office of any county superintendent of schools; shall have transferred with him to the second position his accumulated leave of absence for illness or injury. The amount of such leave to be transferred shall be determined in the same manner as provided in Section 13468.1. All other provisions of Section 13468.1 shall also apply to the employees and employers described in this section.

CHAPTER 1077

An act to add Section 825.5 to the Penal Code, relating to visitation of prisoners.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 825.5 is added to the Penal Code, to read:

825.5. Any physician and surgeon, including a psychiatrist, licensed to practice in this state, who is employed by the prisoner or his attorney to assist in the preparation of the defense, shall be permitted to visit the prisoner while he is in custody.

SEC. 2. Nothing in this act shall be construed as limiting visitation rights which other persons have under existing law.

CHAPTER 1078

An act to add Article 10 (commencing with Section 10921) to Chapter 1 of Division 9 of the Education Code, relating to pupils.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 10921) is added to Chapter 1 of Division 9 of the Education Code, to read:

Article 10. Notification of Parents and Guardians

10921. At the beginning of the first semester or quarter of the regular school term the governing board of each school district shall notify the parent or guardian of its minor pupils regarding the right of the parent or guardian under Sections 1086, 8506, 8701, 11704, 11753.1, 11822, 11825, and 11853.

10922. The notice shall be sent at the time of registration for the first semester or quarter of the regular school term. The notice may be sent by regular mail or by any other method normally used to communicate with the parents or guardians in writing.

10923. The notice shall be signed by the parent or guardian and returned to the school. Signature of the notice is an acknowledgment by the parent or guardian that he has been informed of his rights but does not indicate that consent to participate in any particular program has either been given or withheld.

10924. If any activity covered by the sections set forth in Section 10921 will be undertaken by the school during the forthcoming school term, the notice shall state that fact and shall also state the approximate date upon which any of such activities will occur.

10925. No school district shall undertake any activity covered by the sections set forth in Section 10921 with respect to any particular pupil unless the parent or guardian has been informed of such action pursuant to this article or has received separate special notification.

CHAPTER 1079

An act to amend Sections 18422, 18423, and 18424 of the Education Code, relating to school district severance aid.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18422 of the Education Code is amended to read:

18422. For school districts in which the land acquisition was completed on or subsequent to June 30, 1962, but prior to November 23, 1970, the Superintendent of Public Instruction shall perform the computation prescribed in Section 18421 and compute the total amount of severance aid for a five-year period commencing with the date of completion of the acquisition. He shall determine an amount equal to 30 percent of the amount computed and certify the amount determined to the State Controller in the manner prescribed in Section 18424.

SEC. 2. Section 18423 of the Education Code is amended to read:

18423. No allowance of severance aid shall be made as provided in Section 18421 or 18422 unless the total assessed value of taxable real property within the school district is reduced by one-half of one (0.5) percent or more during a fiscal year by reason of acquisitions giving rise to severance aid as provided in Section 18421 or 18422. In determining whether or not the value of such acquisitions is equal to one-half of one (0.5) percent or more of the value of taxable real property, all such acquisitions made during each fiscal year shall be considered as one sum.

SEC. 3. Section 18424 of the Education Code is amended to read:

18424. On or before May 25th in each fiscal year, the Superintendent of Public Instruction shall determine and certify to the State Controller the amount of severance aid computed and to be allowed to school districts under Section 18421 or 18422 for the fiscal year. On or before June 15th in each fiscal year, the State Controller shall order the transfer, from the State Highway Account in the State Transportation Fund to the State School Fund, of the amount of severance aid computed and to be allowed to school districts for the fiscal year as so certified, and the amount so computed and certified is hereby appropriated for purposes of such transfer. The Department of Public Works may charge or allocate to the appropriate particular projects on account of which severance aid was computed, the amounts so transferred. In the case of severance aid determined pursuant to Section 18422, the allowance shall be apportioned to the school district in two equal annual installments.

SEC. 4. Section 3 of this act shall take effect only in the event, and at the same time, that Assembly Bill No. 705 is enacted at the 1972 Regular Session repealing Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code.

CHAPTER 1080

An act to amend Sections 402.5 and 23704.5, and to repeal Section 1815.9 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 402.5 of the Revenue and Taxation Code is amended to read:

402.5. When valuing property by comparison with sales of other properties, in order to be considered comparable, the sales shall be sufficiently near in time to the lien date, and the properties sold shall be located sufficiently near the property being valued, and shall be sufficiently alike in respect to character, size, situation, usability, zoning or other legal restriction as to use unless rebutted pursuant to Section 402.1, to make it clear that the properties sold and the properties being valued are comparable in value and that the cash equivalent price realized for the properties sold may fairly be considered as shedding light on the value of the property being valued. "Near in time to the lien date" does not include any sale more than 90 days after the lien date.

SEC. 2. Section 1815.9 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 23704.5 of the Revenue and Taxation Code is amended to read:

23704.5. For purposes of Section 23701d, a corporation shall not be deemed to be organized and operated exclusively for educational or religious purposes, if:

(a) The corporation operates a laundry facility; and

(b) The corporation provides laundry service to the public for compensation.

This section shall not apply to a corporation organized and operated exclusively for educational purposes, if such corporation provides laundry service solely for the staff and students of such corporation, whether or not such service is provided for compensation.

SEC. 4. Sections 1 and 2 of this act shall become operative on the lien date in 1973.

SEC. 5. Section 3 of this act shall be applied for income years beginning after December 31, 1971.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

That in order for the provisions of this act to be applied to the present income year, this act must go into effect immediately.

CHAPTER 1081

An act to amend Section 38105 of, and to amend, repeal, and add Sections 38121 and 38150 of, the Health and Safety Code, relating to regional centers for the mentally retarded.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 38105 of the Health and Safety Code is amended to read:

38105. A regional center may purchase required out-of-home prehospital and posthospital care for mentally retarded persons. In locating appropriate placement alternatives for mentally retarded children, regional centers shall encourage maximum participation by parents in the decisionmaking process. Approval by his parent, guardian, or conservator shall be obtained before placement is made.

Regional centers may contract or enter into agreements with appropriate agencies for the provision of out-of-home placement services and case management.

SEC. 2. Section 38121 of the Health and Safety Code is amended to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital is located. The adult requesting to be released shall be informed of his right to counsel by a member of the treatment staff of the state hospital and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

The court shall either release the adult or order an evidentiary hearing to be held within two judicial days after the petition is filed. If the court finds (a) that the adult requesting release or for whom release is requested is not mentally retarded, or (b) that he is mentally retarded and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he shall be immediately released. If the court finds that he is mentally retarded and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the mentally retarded adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the mentally retarded adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is mentally retarded and has no parent, guardian, or

conservator, and is in need of a guardian or conservator, the court shall order the appropriate regional center or the Department of Public Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the mentally retarded adult.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes effective and on such date is repealed.

SEC. 3. Section 38121 is added to the Health and Safety Code, to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital is located. The adult requesting to be released shall be informed of his right to counsel by a member of the treatment staff of the state hospital and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

The court shall either release the adult or order an evidentiary hearing to be held within two judicial days after the petition is filed. If the court finds (a) that the adult requesting release or for whom release is requested is not mentally retarded, or (b) that he is mentally retarded and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he shall be immediately released. If the court finds that he is mentally retarded and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the mentally retarded adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the mentally retarded adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is mentally retarded and has no parent, guardian, or conservator, and is in need of a guardian or conservator, the court shall order the appropriate regional center or the Department of Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the mentally retarded adult.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 4. Section 38150 of the Health and Safety Code is amended to read:

38150. Notwithstanding any other provision of law, the Department of Mental Hygiene shall not be appointed as guardian of any mentally retarded person after July 1, 1971. This chapter shall not be construed to terminate any appointment of the Department of Mental Hygiene as guardian of a mentally retarded person prior

to July 1, 1971.

It is the intent of this section that the Director of Public Health be appointed as guardian or conservator of a mentally retarded person as provided, pursuant to the provisions of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of this code, in any case in which the Director of Mental Hygiene would otherwise have been so appointed.

Notwithstanding Section 6000 of the Welfare and Institutions Code, the admission of an adult mentally retarded person to a state hospital or private institution shall be upon the application of the person's parent or guardian or conservator and in accordance with the provisions of Sections 38103 and 38123. Any person so admitted to a state hospital may leave the state hospital at any time, if such parent, guardian, or conservator gives notice of his desire for the departure of the mentally retarded person to any member of the hospital staff and completes normal hospitalization departure procedures.

Notwithstanding the provisions of Section 38105, any adult mentally retarded person who is competent to do so may apply for and receive any services provided by a regional center.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 5. Section 38150 is added to the Health and Safety Code, to read:

38150. This chapter shall not be construed to terminate any appointment of the Department of Health as guardian of a mentally retarded person prior to July 1, 1971.

It is the intent of this section that the Director of Health be appointed as guardian or conservator of a mentally retarded person as provided, pursuant to the provisions of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1.

Notwithstanding Section 6000 of the Welfare and Institutions Code, the admission of an adult mentally retarded person to a state hospital or private institution shall be upon the application of the person's parent or guardian or conservator in accordance with the provisions of Sections 38103 and 38123. Any person so admitted to a state hospital may leave the state hospital at any time, if such parent, guardian, or conservator gives notice of his desire for the departure of the mentally retarded person to any member of the hospital staff and completes normal hospitalization departure procedures.

Notwithstanding the provisions of Section 38105, any adult mentally retarded person who is competent to do so may apply for and receive any services provided by a regional center.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 6. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 38121 of the Health and Safety Code, as amended by Section 2 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative

and on that date Section 38121 of the Health and Safety Code, as added by Section 3 of this act, which includes the changes in Section 38121 made by both Reorganization Plan No. 1 of 1970 and Section 2 of this act, shall become operative.

SEC. 7. It is the intent of the Legislature that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 38150 of the Health and Safety Code, as amended by Section 4 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 38150 of the Health and Safety Code, as added by Section 5 of this act, which includes the changes in Section 38150 made by both Reorganization Plan No. 1 of 1970 and Section 4 of this act, shall become operative.

CHAPTER 1082

An act relating to the state park system, and in this connection to amend and supplement the Budget Bill for the 1972-1973 fiscal year (enacted as the Budget Act of 1972) by adding thereto Section 2.5B, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1972. Filed with Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.5B is added to the Budget Bill for the 1972-73 fiscal year, enacted as the Budget Act of 1972, to read:

State Beach, Park, Recreational and Historical Facilities Bond Act Program

Sec. 2.5B. The following sum of money, or so much thereof as may be necessary, is hereby appropriated for the 1972-73 fiscal year beginning July 1, 1972, and ending June 30, 1973. Such appropriation shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

CAPITAL OUTLAY

Item	Amount
324B—For capital outlay, Department of Parks and Recreation for the purposes set forth in Section 5096.15(a) and 5096.15(b) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund Schedule:	
(a) For project expansion study, Old Town San Diego State Historic Park	35,000

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of the Budget Act of 1972 do not make provision for a greatly needed project expansion study regarding Old Town San Diego State Historic Park. The capital outlay appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to provide for state park system land acquisition and development and project planning. If the appropriation is not available for expenditure at the earliest possible date, the expansion of this important unit of the state park system will be delayed. The immediate availability of the appropriation contained in this measure will avert any unnecessary delay. It is therefore necessary that this act go into immediate effect.

CHAPTER 1083

An act to amend Section 1013a of, and to add Section 1052.5 to, the Code of Civil Procedure, relating to civil actions.

[Approved by Governor August 18, 1972 Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1013a of the Code of Civil Procedure is amended to read:

1013a. Proof of service by mail may be made by one of the following methods:

(1) An affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a resident of or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and business address of the person making the service, showing that he is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope,

and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by said clerk affixed to the original, or to a true copy of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he is the clerk, and that he is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

SEC. 2. Section 1052.5 is added to the Code of Civil Procedure, to read:

1052.5. In lieu of maintaining a register of actions as described in Section 1052, the clerk of the municipal court may maintain a register of actions by means of photographing, microphotographing, or mechanically or electronically storing the whole content of all papers and records, or any portion thereof, as will constitute a memorandum, necessary to the keeping of a register of actions so long as the completeness and chronological sequence of the register are not disturbed.

All such reproductions shall be placed in convenient, accessible files, and provision shall be made for preserving, examining, and using them.

Any photograph, microphotograph, or photocopy which is made pursuant to this section shall be made in such manner and on such paper as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards.

CHAPTER 1084

An act to amend Section 3369 of, and to add Section 3370.1 to, the Civil Code, relating to the specific or preventive relief.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3369 of the Civil Code is amended to read:
3369. 1. Neither specific nor preventive relief can be granted to enforce a penalty or forfeiture in any case, nor to enforce a penal law, except in a case of nuisance or unfair competition.

2. Any person performing or proposing to perform an act of unfair competition within this state may be enjoined in any court of competent jurisdiction.

3. As used in this section, unfair competition shall mean and include unlawful, unfair or fraudulent business practice and unfair, deceptive, untrue or misleading advertising and any act denounced

by Business and Professions Code Sections 17500 to 17535, inclusive.

4. As used in this section, the term person shall mean and include natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.

5. Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney in this state in the name of the people of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association or by any person acting for the interests of itself, its members or the general public.

SEC. 2. Section 3370.1 is added to the Civil Code, to read:

3370.1. Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney in any court of competent jurisdiction. If brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State General Fund.

SEC. 3. It is the intent of the Legislature that the provisions of Section 3370.1 of the Civil Code shall only be applied to those provisions of law contained in Chapter 1 (commencing with Section 3366) of Title 3 of Part 1 of Division 4 of the Civil Code.

CHAPTER 1085

An act to amend the heading of Chapter 5 (commencing with Section 2200) of Division 3 of, to amend Sections 2200, 2205, 2210, 2212, 2223, 2241, 2289, 2290, 2291, 2300, 2302, 2330 and 2360 of, and to add Section 2207 to, the Health and Safety Code, relating to vector control districts.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 5 (commencing with Section 2200) of Division 3 of the Health and Safety Code is amended to read:

CHAPTER 5. MOSQUITO ABATEMENT DISTRICTS OR VECTOR CONTROL DISTRICTS

SEC. 2. Section 2200 of the Health and Safety Code is amended to read:

2200. "District," as used in this chapter, refers to any mosquito

abatement district or vector control district formed pursuant to this chapter or pursuant to any law which it supersedes.

SEC. 3. Section 2205 of the Health and Safety Code is amended to read:

2205. A district may be organized and managed as provided in this chapter, and is authorized to exercise the powers expressly granted or necessarily implied by this chapter.

SEC. 3.5. Section 2207 is added to the Health and Safety Code, to read:

2207. No district shall infringe upon the activities and duties of persons licensed as structural pest control operators pursuant to Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code.

SEC. 4. Section 2210 of the Health and Safety Code is amended to read:

2210. Any territory in one or more counties, having a population of not less than one hundred inhabitants, may be organized as a district.

SEC. 5. Section 2212 of the Health and Safety Code is amended to read:

2212. The petition shall set forth and describe the boundaries of the proposed district, and shall request that it be organized as a mosquito abatement district or vector control district. The text of the petition shall be published, for at least two weeks before the time it is to be presented, in the county where the petition is presented, and in each city a portion of which is included in the proposed district.

The text of the petition published shall have attached a notice stating the time of the meeting of the board of supervisors at which it will be presented.

SEC. 6. Section 2223 of the Health and Safety Code is amended to read:

2223. If, from the testimony given before the board of supervisors, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the board of supervisors. The name shall contain the words "mosquito abatement district" or "vector control district."

SEC. 7. Section 2241 of the Health and Safety Code is amended to read:

2241. The district board shall be called "The board of trustees of _____ mosquito abatement district" or "The board of trustees of _____ vector control district."

SEC. 8. Section 2289 of the Health and Safety Code is amended to read:

2289. The lien provisions of this chapter do not apply to the property of any county, city, district, or other public corporation.

However, the governing body of the county, city, district, or other public corporation shall repay to any district the amount expended by the district upon any of its property under this chapter upon presentation by the district board of a verified claim or bill.

SEC. 9. Section 2290 of the Health and Safety Code is amended to read:

2290. Any district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the destruction and extermination of rats in the district; and may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

SEC. 10. Section 2291 of the Health and Safety Code is amended to read:

2291. Any district organized on or after September 17, 1965, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may do any of the following:

(a) Undertake or contract for algae research projects and research projects in algae control methods.

(b) Plan and execute projects for algae control by chemical, biological, and physical methods in bodies of water lying wholly or partially within the district.

(c) Establish a monitoring project for the purpose of evaluating algae levels in bodies of water lying wholly or partially within the district.

(d) Contract and cooperate with the United States and the state, including officers, agents, employees, agencies, or instrumentalities of the United States and the state, with respect to the projects enumerated in subdivisions (a) through (c) of this section.

The district board shall do any and all things necessary or incident to the execution of the powers granted to the district by this section, subject to the provisions of Sections 2291.1 to 2291.4, inclusive.

SEC. 11. Section 2300 of the Health and Safety Code is amended to read:

2300. The district board of each district shall, annually, on or before August 1st, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary to be raised by taxation for the district's purposes during the next ensuing fiscal year. The amount of money necessary for the district's purposes may include a general reserve for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such

general reserve shall not exceed 60 percent of the estimated expenditures for a fiscal year.

The amount of money necessary for the district purposes may also include an unappropriated reserve for the purpose of defraying unusual and unanticipated expenses.

Expenditures from such unappropriated reserve may be made only upon an affirmative vote of four-fifths of the members of the district board. Such emergency fund is not to exceed 25 percent of the estimated expenditures for a fiscal year.

SEC. 12. Section 2302 of the Health and Safety Code is amended to read:

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "_____ Mosquito Abatement District Tax" or the "_____ Vector Control District Tax". The rate shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

SEC. 13. Section 2330 of the Health and Safety Code is amended to read:

2330. Any territory lying contiguous to a district may be annexed to the district. Noncontiguous territory may be annexed to a district if the board of supervisors of each county in which a portion of the territory proposed to be annexed is situated determines, by resolution, that such portion of the territory is within a reasonable operational distance of the district.

SEC. 14. Section 2360 of the Health and Safety Code is amended to read:

2360. Two or more contiguous districts may be consolidated.

CHAPTER 1086

An act to amend Section 25201 of the Education Code, and to amend Sections 14254, 14666, and 14670 of the Government Code, relating to state property.

[Approved by Govern or August 18, 1972 Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 25201 of the Education Code is amended to read:

25201. As used in this chapter:

(a) "Project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of ten thousand dollars (\$10,000).

(b) "Trustees" means the Trustees of the California State Colleges.

(c) "Service contract" means any contract for services in connection with a project other than a project contract, and includes, but is not limited to, contracts for architectural, engineering, planning, testing, general studies, or feasibility services.

SEC. 2. Section 14254 of the Government Code is amended to read:

14254. As used in this chapter, "project" includes the erection, construction, alternation, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of ten thousand dollars (\$10,000).

SEC. 3. Section 14666 of the Government Code is amended to read:

14666. With the approval of the state agency concerned, the director may grant and convey in the name of the state, easements and rights-of-way across real property belonging to the state not used for highway rights-of-way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions, and reservations as he deems are in the interest of the state. All revenue received in connection with the granting and conveying of such easements and rights-of-way, including charges made for administrative costs, shall be deposited in the General Fund for appropriation as provided in Section 15863. Any expenditure in connection with the granting and conveying of said easements and rights-of-way or investigating proposed gifts of real property to the state may be allocated from the appropriation made pursuant to Section 15863.

SEC. 4. Section 14670 of the Government Code is amended to read:

14670. With the consent of the state agency concerned, the director may:

(a) Let for a period of not to exceed five years, any real or personal property which belongs to the state, the letting of which is not expressly prohibited by law, if he deems such letting is in the best interests of the state.

(b) Sublet any real or personal property leased by the state, the subletting of which is not expressly prohibited by law, if he deems such subletting is in the best interests of the state.

Any money received in connection with paragraph (a) of this section shall be deposited in the General Fund for appropriation as provided in Section 15863. Any expenditures in connection with such letting may be allocated from the appropriation pursuant to Section 15863.

All money received pursuant to paragraph (b) of this section shall be accounted for to the Controller at the close of each month and on order of the Controller be paid into the Treasury and credited to the appropriation from which the cost of the lease was paid.

CHAPTER 1087

*An act to amend Section 1777.5 of the Labor Code,
relating to apprentices.*

[Approved by Governor August 18, 1972 Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1777.5 of the Labor Code is amended to read:

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is indentured.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area of the site of the public work. Contractors or subcontractors shall not be required to submit individual applications for approval to local joint apprenticeship committees provided they are already covered by the local apprenticeship standards. The ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work shall be the ratio stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, shall, or if he has been previously approved in such craft or trade, upon the issuance of the approval certificate, employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of his contracts on an annual average of not less than one apprentice to each eight journeymen, the Division of Apprenticeship

Standards shall grant a certificate exempting the contractor from the 1-to-5 ratio as set forth in this section. Prime contracts involving less than thirty thousand dollars (\$30,000) or 45 working days shall be exempt from the provisions of this section.

“Apprenticeable craft or trade,” as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have the discretion to grant a certificate exempting a contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.

(d) If assignment of an apprentice to any work performed under a public works contract would create a condition which would jeopardize his life or the life, safety, or property of fellow employees or the public at large or if the specific task to which the apprentice is to be assigned is of such a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis the member contractors will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund or funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same amount or upon the same basis and in the same manner as the other contractors do, but where the trust fund administrators are unable to accept such funds, contractors not signatory to the trust agreement shall pay a like amount to the California Apprenticeship Council. The contractor or subcontractor may add the amount of such contributions in computing his bid for the contract. The Division of Labor Law Enforcement is authorized to enforce the payment of such contributions to the fund or funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section. Such stipulations shall fix the responsibility of compliance with this section for all apprenticeable occupations with the prime contractor.

In the event a contractor willfully fails to comply with this section, such contractor shall be denied the right to bid on a public works contract for a period of six months from the date the determination is made.

The interpretation and enforcement of this section shall be in accordance with the rules and procedures prescribed by the Apprenticeship Council.

All decisions of the joint apprenticeship committee under this section are subject to the provisions of Section 3081.

CHAPTER 1088

An act to add Section 466.3 to the Penal Code, relating to vending-machine theft.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 466.3 is added to the Penal Code, to read:

466.3. (a) Whoever possesses a key, tool, instrument, explosive, or device, or a drawing, print, or mold of a key, tool, instrument, explosive, or device, designed to open, break into, tamper with, or damage a coin-operated machine as defined in subdivision (b), with intent to commit a theft from such machine, is punishable by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars (\$1,000), or by both.

(b) As used in this section, the term "coin-operated machine" shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, or moneychanger.

CHAPTER 1089

An act to amend Sections 13844.2, 13992, 14023, 14025, 14041, 14185, 14186, 14213, 14214, 14214.5, 14215, 14220.5, 14220.7, 14224, 14240, 14243, 14260, 14284, 14334.6, 14334.8, and 14392 of, to add Section 14390 to, and to repeal Sections 14042, and 14390 of, the Education Code, relating to the State Teachers' Retirement System and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 13844.2 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

13844.2. "Other public systems" means the old age, survivors, disability and health insurance program provided by the Federal Social Security Act, the federal civil service retirement program, federal military disability, railroad retirement, a workman's compensation program, federal railroad retirement or any other public retirement system including any disability programs financed from public funds.

SEC. 2. Section 13992 of the Education Code is amended to read: 13992. No time shall be included during which a person is a retirant or receiving a disability allowance from this system.

SEC. 3. Section 14023 of the Education Code as amended by Chapter 407 of the Statutes of 1971 is amended to read:

14023. Any person to whom service performed outside of the state after January 1, 1914, is credited and any person who has claimed exemption from the provisions of the system or its predecessor or who is excluded from the system because of being a member of another retirement system while serving in a position requiring membership in this system or its predecessor, and who later becomes subject to its provisions may pay, in addition to the sum due under Section 14022 for each year of credited service performed prior to July 1, 1944, either outside the state or while exempt or while a member of any other system, regular interest on the amount which would have been contributed had he been a member of the system when the service was performed. Regular interest shall begin to accrue on the first day of July next following the end of the school year in which the service was performed.

SEC. 4. Section 14025 of the Education Code as amended by Chapter 407 of the Statutes of 1971 is amended to read:

14025. Every member who is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14022, shall pay to the system such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14022.

SEC. 5. Section 14041 of the Education Code as amended by Chapter 407 of the Statutes of 1971 is amended to read:

14041. If any member of the system required to pay contributions under Section 14040, does not pay such contributions while performing such service, the contributions may be paid by him directly to the system in a single payment before retirement or in monthly installments as provided by the board. Contributions paid under this section shall be paid for service performed after July 1, 1944, with regular interest accruing from the date of the member's

discharge or release from military service to the date of payment. Failure to pay such contributions constitutes a break in service.

SEC. 6. Section 14042 of the Education Code is repealed.

SEC. 7. Section 14185 of the Education Code as amended by Chapter 1305 of the Statutes of 1971 is amended to read:

14185. Upon receipt of proof of the death of a retirant there shall be paid to the designated beneficiary the sum of two thousand dollars (\$2,000).

From the death benefit provided in this section, there shall be deducted an amount equal to that portion of the benefit payable on account of death by a local system or by the Public Employees' Retirement System or the University of California Retirement System. The deduction shall be made regardless of whether such benefit is payable before or after retirement under such local or state system, independently of any optional election made by the person at the time of his retirement under which he received a reduced retirement allowance and a benefit was provided at his death.

SEC. 8. Section 14186 of the Education Code as amended by Chapter 1305 of the Statutes of 1971 is amended to read:

14186. If a member at the time of death which occurs after June 30, 1972, has one or more years of credited service, and, if there has been a break in the member's employment of more than one year, one-half year of credited service having been performed after the end of the last such break, and on account of whose death the benefit provided by Section 14180 is payable or a retirant who was receiving a disability allowance which commenced to accrue after June 30, 1972:

(a) The surviving spouse of the member, who has the care of children or if there is no such spouse, then

(b) The guardian of surviving children if any, or if none, then

(c) The surviving wife or surviving dependent husband of the member, who does not qualify under subdivision (a) of this section, or if none, then

(d) Each surviving dependent parent of the member shall be paid, regardless of the beneficiary designated by the member under Section 14180, the following applicable family allowance under the conditions stated:

(1) A surviving spouse having the care of children shall receive an annual amount, payable in monthly installments, of 40 percent of the highest annual salary earned by the member during any one of the last three school years of service, plus 10 percent of such salary for each such child, up to a maximum of 90 percent of such salary.

(2) The guardian of each child, on whose account there is no benefit payable under paragraph (1) shall receive an annual amount payable in monthly installments, of 10 percent of the highest annual salary earned by the member during any one of the last three school years of service up to a maximum of 50 percent of such salary.

If there are more than five children, the benefits payable under paragraphs (1) and (2) on account of children shall be allocated to

all children on a share-and-share-alike basis.

(3) If there are no benefits being paid under paragraphs (1) or (2) the unremarried widow or dependent widower, age 60 or over shall receive a monthly payment equal to the amount which would have been payable to such widow or widower based on projected service and projected earned salary, if the member continued service to age 60 and at that time elected option number 3, the benefit payable under this paragraph shall be increased by application of the benefit improvement factor for time which elapses between the date the member would have reached age 60 and the date benefits commence to accrue under this paragraph. For the calculation of the benefit, it shall be considered that the member died on the June 30 following the actual date of death and the spouse reached age 60 on the June 30 prior to attainment of that age, but the benefit shall not begin to accrue until the spouse attains age 60.

(4) If there is no widow, dependent widower or children entitled to benefits under paragraph (2), the dependent parent, age 60, or upon attainment of that age, shall receive a benefit based on projected service and projected earned salary equal to the amount which would have been paid if the member had retired at age 60 and elected option number 3. If there are two parents who qualify under this paragraph the total benefit will be computed on the assumption that the youngest parent is the beneficiary, and the total shall be divided equally for so long as there are two such qualifying parents. Otherwise, the total amount shall be payable to the one who qualifies.

Benefits payable under this section are in lieu of the death benefit payable under paragraph (2) of subdivision (b) of Section 14180, irrespective of the beneficiary designated to receive that benefit, except that a widow, dependent widower or collective dependent parents may elect, prior to the receipt of the first payment under paragraph (3) or (4), to receive the accumulated contributions in a lump sum provided there are no children on account of whom benefits are payable under paragraph (1) or (2) of this section, subject to a deduction for any benefit previously paid.

In the event of the death of a person who is receiving benefits under this section, or on whose account a benefit is payable, or the spouse remarries, or children are no longer qualified, the benefit payable to or on account of that person shall be terminated on the last day of the month preceding that in which such event occurs.

In the event of termination of a benefit payable, or the right to benefits under this section prior to the date such payments total the amount payable under paragraph (2) of subdivision (b) of Section 14180 the balance shall be paid in a lump sum to: (a) the surviving widower; (b) all surviving children, irrespective of age, on a share-and-share-alike basis, if payments were made under paragraph (1) or (2); (c) the remarried spouse, if there are no benefits to be paid under paragraph (2) or (4); (d) the surviving dependent parent(s); or (e) the estate of the last person who was entitled to the

family benefit. A stepchild or adopted child acquired subsequent to eligibility for family benefits shall not be entitled to any benefit and shall be excluded in the calculation of benefits under this section.

SEC. 9. Section 14213 of the Education Code as amended by Chapter 1305 of the Statutes of 1971 is amended to read:

14213. A member may qualify for a disability allowance if he has five or more years of credited service, the last five of which have been served in this state, and has not attained age 60.

SEC. 10. Section 14214 of the Education Code as amended by Chapter 1323 of the Statutes of 1971 is amended to read:

14214. The board may authorize payment of a disability allowance to any member who is qualified upon application by the member, his guardian or conservator, or his employer, if such application is made:

(a) While the member is employed in a position requiring membership in this system and is receiving compensation because of such employment, or

(b) While he is serving in the active military service of the United States, or in any other service stated in Section 13994 provided that time in such service will qualify for credit as service under this system, or

(c) While he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or

(d) While he is on a leave of absence without compensation, granted for reason other than serving in services included in subdivision (b) of this section or mental or physical incapacity for performance of his duty, and within 18 months after the last day of employment for which compensation was paid, or

(e) When he is retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or

(f) Within four months after the termination of the member's employment in a position requiring membership in this system provided, first, that such application was not made under the provisions of subdivision (b) or (c), and, second, that such application was not made more than 18 months after the last day for which compensation was paid to him.

On receipt of an application for disability retirement the board may order a medical examination of a member to determine whether he is incapacitated for further service. If the applicant for disability retirement refuses to submit to the medical examination required by the board his application for disability retirement shall be canceled.

SEC. 11. Section 14214.5 of the Education Code as amended by Chapter 1004 of the Statutes of 1971 is amended to read:

14214.5. The disability allowance shall accrue and become payable as provided in Section 14390.

SEC. 12. Section 14215 of the Education Code as amended by

Chapter 1305 of the Statutes of 1971 is amended to read:

14215. If, prior to attaining the age of 55 years, a person who is entitled to receive a retirement allowance because of his retirement for disability prior to July 1, 1972, engages in a gainful occupation the board shall reduce the portion of his monthly retirement allowance which is not provided by his accumulated contributions, to an amount, which when added to the compensation earned monthly by him, does not exceed the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists such compensation earnable immediately prior to its abolition.

If his earnings are further altered, the board shall further alter such portion of his retirement allowance to the lower of the following amounts:

(a) The amount of such portion of his retirement allowance as it would be if not reduced under this section.

(b) An amount which, when added to the compensation earned by him, equals the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists, such compensation earnable immediately prior to its abolition.

For purposes of this section the retirement allowance subject to adjustment is the unmodified allowance irrespective of the option elected.

When he attains the age of 55 years, his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and may not again be modified under this section. The provisions of Section 14220.5 do not apply to those persons affected by this section.

SEC. 13. Section 14220.5 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14220.5. If a person who begins to receive a disability allowance after June 30, 1972, is employed, or is self-employed in any capacity, the monthly benefit for disability shall be reduced by fifty cents (\$0.50) for each dollar earned.

SEC. 14. Section 14220.7 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14220.7. When a person who is retired for disability after June 30, 1972, reaches age 60, or at such later date when there are no eligible children, his disability allowance shall be terminated and thereafter he shall receive the allowance payable for service retirement at that age, calculated on the projected earned salary and projected service. The allowance payable under this section, excluding tax-sheltered and annuity deposits, shall not be greater than the terminated disability allowance.

SEC. 15. Section 14224 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14224. If a retirant who did not elect an option dies prior to the date the total allowance, paid or payable, equals the accumulated contributions, and there are no further benefits due, except for the death benefit provided under Section 14185, the difference between the accumulated contributions and the total of such allowances shall be paid the person who will receive the benefit payable under Section 14185. If the retirant elected an option, and if the retirant and beneficiary both die before a sum equivalent to such contributions is paid, such difference shall be paid to the estate of the person last receiving or entitled to receive the allowance. This section does not apply to retirements which became effective prior to July 1, 1972.

SEC. 16. Section 14240 of the Education Code as amended by Chapter 1305 of the Statutes of 1971 is amended to read:

14240. Upon retirement for service which became effective after June 30, 1972, a member shall receive a retirement allowance which shall consist of:

(a) An annual allowance payable in monthly installments, upon retirement at age 60 or over, equal to 2 percent of the final compensation for each year of credited service. If the retirement is effective at less than age 60 this allowance shall be reduced by one-half of 1 percent for each full month, or fraction of a month which will elapse until the member would have reached age 60, and

(b) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his account at the time of his retirement, and

(c) A "tax-sheltered annuity" which shall be the actuarial equivalent of the accumulated tax-sheltered contributions standing to the credit of his account at the time of his retirement.

SEC. 17. Section 14243 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14243. The minimum unmodified allowance, exclusive of annuities from the Annuity Deposit Fund or tax-sheltered annuities payable for service retirement, shall not be less than ten dollars (\$10) per month multiplied by the years of credited service. This guaranteed amount shall be reduced by the amount of an unmodified allowance payable from a local system based on service credited by this system. If the retirement is effective at less than age 60 this allowance shall be reduced by one-half of 1 percent for each full month or fraction of a month which will elapse until the member would have reached age 60.

SEC. 18. Section 14260 of the Education Code as amended by Chapter 1305 of the Statutes of 1971 is amended to read:

14260. Upon qualification for disability, a member shall receive a disability allowance which shall consist of an annual allowance, payable in monthly installments, equal to 50 percent of the highest annual salary earned in any one of the three school years immediately preceding retirement, increased by 10 percent of such salary for each child to a maximum of four such children. A stepchild or adopted child acquired subsequent to eligibility for disability

benefits shall not be entitled to any benefit and shall be excluded in the calculation of benefits under this section.

SEC. 19. Section 14284 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14284. Any member who has qualified for service retirement under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14186, the election under this section shall be invalid and of no effect unless and until the consent of such spouse to it is filed with the system in Sacramento. If the death of such member occurs within 30 days after the date upon which the election is received by the system in Sacramento, then the election shall be void and of no effect and he shall be considered as an active member at the time of death.

Upon such member's death at least 30 days after the date upon which the election is received by the system in Sacramento, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by subdivisions (a) and (b) of Section 14070 or paragraphs (1) and (2) of subdivision (b) of Section 14180, except that if the beneficiary dies before all contributions are paid such difference shall be paid to the estate of the person last receiving or entitled to receive the allowance, and the family benefit provided by Section 14186, and no death or family benefit shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member except for the accumulated annuity deposit contributions and accumulated tax-sheltered contributions, and the amount provided by paragraph (5) of subdivision (b) of Section 14180, which amounts shall be paid the designated beneficiary.

If such member subsequently retires, he shall receive, regardless of whether the person nominated by him under the option elected is then living, a reduced allowance according to the provisions of Section 14280 and the option elected, and he shall be subject to Section 14281.

The amount of the allowance prior to optional modification shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected shall be based on the ages of such member and the person nominated by him under such

option, at the effective date of such election.

SEC. 19.5. Section 14284 of the Education Code, as added by Chapter 1305 of the Statutes of 1971, is amended to read:

14284. Any member who has qualified for service retirement under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If such a member at the time of making the election has a living spouse who would qualify for an allowance under Section 14186, the election under this section shall be invalid and of no effect unless and until the consent of such spouse to it is filed with the system in Sacramento. If the death of such member occurs after the date upon which the election has been signed and notarized, then the election shall be in full force and effect. The election shall be forwarded to the office of the system within 30 days after signature and notarization.

Upon such member's death, prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by subdivisions (a) and (b) of Section 14070 or paragraphs (1) and (2) of subdivision (b) of Section 14180, except that if the beneficiary dies before all contributions are paid such difference shall be paid to the estate of the person last receiving or entitled to receive the allowance, and the family benefit provided by Section 14186, and no death or family benefit shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member except for the accumulated annuity deposit contributions and accumulated tax-sheltered contributions, and the amount provided by paragraph (5) of subdivision (b) of Section 14180, which amounts shall be paid the designated beneficiary.

If such member subsequently retires, he shall receive, regardless of whether the person nominated by him under the option elected is then living, a reduced allowance according to the provisions of Section 14280 and the option elected.

The amount of the allowance prior to optional modification shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

SEC. 20. Section 14334.6 of the Education Code as added by

Chapter 1305 of the Statutes of 1971 is amended to read:

14334.6. The unmodified allowance, exclusive of annuities from the Annuity Deposit Fund or tax-sheltered annuities, of a person retired prior to July 1, 1972, after the increase provided by Section 14332, shall be an amount equal to at least ten dollars (\$10) per month for each year of credited service. If the retirant elected to have his allowance modified under option 2 or 3, and if his beneficiary is living on July 1, 1972, the increase in his allowance shall be modified under the option selected.

SEC. 21. Section 14334.8 of the Education Code as added by Chapter 1305 of the Statutes of 1971 is amended to read:

14334.8. The allowances which commenced to accrue prior to July 1, 1972, and payable on August 1, 1972, exclusive of annuities from the Annuity Deposit Fund and tax-sheltered annuities payable under Sections 14193, 14280 and 14284, as those sections read under laws in effect on June 30, 1972, shall be increased by application of the benefit improvement factor on September 1, 1973, and annually thereafter.

SEC. 22. Section 14390 of the Education Code is repealed.

SEC. 23. Section 14390 is added to the Education Code, to read:

14390. (a) The retirement or disability allowance begins to accrue on the first day of the month in which the retirement or disability is effective.

(b) On death of the retirant, a person receiving a disability allowance or a person who is reinstated to membership, the allowance ceases on the last day of the month preceding that in which the death or reinstatement occurs.

(c) Family benefits begin to accrue on the first day of the month in which the death of the member occurs.

(d) Option benefits begin to accrue on the first day of the month in which the retirant died.

SEC. 24. Section 14392 of the Education Code is amended to read:

14392. Persons entitled to receive allowances under this system may authorize deductions to be made from such allowances, in accordance with regulations established by the board, for the payment of group insurance premiums or dues or other charges of any plan of health and welfare benefits, as defined in Section 53200 of the Government Code.

No deductions may be made for the payment of such premiums, dues or other charges under any such policy or plan, unless the active and retired persons enrolled under such policy or plan, total not less than 1,000 in number.

SEC. 25. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the orderly implementation of the provisions of Chapter 1305 of the Statutes of 1971, this act must take effect immediately.

SEC. 26. This act shall become operative on July 1, 1972.

SEC. 27. It is the intent of the Legislature, if this bill and Assembly Bill No. 460 are both chaptered and amend Section 14284 of the Education Code, and this bill is chaptered after Assembly Bill No. 460, that the amendments to Section 14284 proposed by both bills be given effect and incorporated in Section 14284 in the form set forth in Section 19.5 of this act. Therefore, if Assembly Bill No. 460 is chaptered before this bill and amends Section 14284, Section 19 of this act shall not become operative.

CHAPTER 1090

An act to amend Section 1300 of the Penal Code, relating to bail.

[Approved by Governor August 18, 1972. Filed with
Secretary of State August 18, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1300 of the Penal Code is amended to read:

1300. (a) At any time before the forfeiture of their undertaking, or deposit by a third person, the bail or the depositor may surrender the defendant in their exoneration, or he may surrender himself, to the officer to whose custody he was committed at the time of giving bail, in the following manner:

(1) A certified copy of the undertaking of the bail, or a certified copy of the certificate of deposit where a deposit is made, must be delivered to the officer who must detain the defendant in his custody thereon as upon a commitment, and by a certificate in writing acknowledge the surrender.

(2) The bail or depositor, upon surrendering the defendant, shall make reasonable effort to give notice to the defendant's last attorney of record, if any, of such surrender.

(3) The officer to whom the defendant is surrendered shall, within 48 hours of the surrender, bring the defendant before the court in which the defendant is next to appear on the case for which he has been surrendered. The court shall advise the defendant of his right to move the court for an order permitting the withdrawal of any previous waiver of time and shall advise him of the authority of the court, as provided in subdivision (b), to order return of the premium paid by the defendant or other person, or any part of it.

(4) Upon the undertaking, or certificate of deposit, and the certificate of the officer, the court in which the action or appeal is pending may, upon notice of five days to the district attorney of the county, with a copy of the undertaking, or certificate of deposit, and the certificate of the officer, order that the bail or deposit be exonerated. However, if the defendant is released on his own recognizance or on another bond before the issuance of such an

order, the court shall order that the bail or deposit be exonerated without prejudice to the court's authority under subdivision (b). On filing the order and papers used on the application, they are exonerated accordingly.

(b) Notwithstanding subdivision (a), if the court determines that good cause does not exist for the surrender of a defendant who has not failed to appear or has not violated any order of the court, it may, in its discretion, order the bail or the depositor to return to the defendant or other person who has paid the premium or any part of it, all of the money so paid or any part of it.

CHAPTER 1091

An act to amend Section 1208 of the Penal Code, relating to work furlough.

[Approved by Governor August 18, 1972 Filed with
Secretary of State August 18, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1208 of the Penal Code is amended to read:
1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit

subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental or psychiatric care, and for family emergencies or pressing business which would result in severe hardship if the release were not granted.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's

employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational and educational training and counseling; and psychological, drug abuse, alcoholic and other rehabilitative counseling; "educator" includes a person or institution providing such training or counseling.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

CHAPTER 1092

An act to amend Sections 2106 and 2106.5 of, to add Sections 100.13 and 149.2 to, and to add Chapter 8 (commencing with Section 2370) to Division 3 of, the Streets and Highways Code, relating to transportation.

[Approved by Governor August 22, 1972 Filed with
Secretary of State August 22, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 100.13 is added to the Streets and Highways Code, to read:

100.13. In each annual budget report prepared by the commission and the department under Section 143.1, an amount of not less than three hundred sixty thousand dollars (\$360,000) shall be set aside for the construction of bicycle facilities to be used in conjunction with the state highway system.

SEC. 2. Section 149.2 is added to the Streets and Highways Code, to read:

149.2. Prior to March 1 of each year, the department shall prepare and submit an annual report to the Legislature summarizing programs it has undertaken for the development of bicycle lanes and exclusive busways. Such report shall also summarize the existing directives received by the department from the Federal Highway Administration concerning the availability of federal funds for such programs, together with an estimate of the fiscal impact of such federal participation in the programs.

SEC. 3. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent (\$.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

(b) Thirty thousand dollars (\$30,000) per month shall be transferred to the Bicycle Lane Account in the State Transportation Fund.

(c) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for

countywide tax levies as reported to the State Controller by the State Board of Equalization. In the event an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which shall be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 4. Section 2106.5 of the Streets and Highways Code is amended to read:

2106.5. (a) Each county and any of its incorporated cities may enter into an agreement regarding the base sum established by paragraph (1) of subdivision (c) of Section 2106, providing for expenditure of the amounts apportioned to the county and apportioned for expenditure within the cities participating in the agreement upon selected roads and streets within the county and the cities participating in the agreement included in the select system of county roads and city streets for such county and cities established as provided in Section 186.3.

(b) Any of the incorporated cities within a county may enter into an agreement among themselves regarding the amount apportioned to them pursuant to paragraph (3) of subdivision (c) of Section 2106 for expenditure upon selected streets included in the select system of city streets, established as provided in Section 186.3, within the cities participating in the agreement.

(c) Any such agreement shall be filed with the Controller. After verification of the agreement by the Controller, the Controller shall make disposition of the apportionments to the parties participating in the agreement in accordance with terms of the agreement.

SEC. 5. Chapter 8 (commencing with Section 2370) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 8. BICYCLE LANES

2370. It is the intent of the Legislature in enacting this chapter to provide a continuing source of state funding to aid cities and counties in obtaining funds from federal sources for the construction of, and the acquisition of rights-of-way for, bicycle lanes, where the separation of bicycle traffic from motor vehicle traffic would increase the traffic capacity or safety of a highway.

2371. The Bicycle Lane Account is hereby created in the State Transportation Fund. The money in the Bicycle Lane Account is continuously appropriated to the department for carrying out the purposes of this chapter.

2372. To the extent funds are available, the department shall allocate from the Bicycle Lane Account funds for the following purposes and in accordance with the following priorities:

(a) To the department such sums as are necessary to administer this chapter.

(b) To cities and counties for each eligible bicycle lane project, as determined by the department, an amount equal to one-half of the estimated amount required as local contribution in order to obtain available federal funds for the construction of, including the acquisition of necessary rights of-way for, such project. The amount allocated pursuant to this subdivision shall be increased if an increase is necessary to reduce the city or county contribution to the project to one-third of the estimated cost of the project.

(c) To the cities and counties for each nonfederally funded eligible bicycle lane project, as determined by the department, an amount equal to two-thirds of the estimated cost of construction of, including the acquisition of necessary rights-of-way for, the project.

2373. (a) The maximum amount the department may allocate to an applicant city or county with an eligible project during any particular fiscal year shall be an amount equal to the amount available for allocation during that fiscal year times the ratio of the applicant's population to the total population of all the cities and counties with eligible projects. For purposes of this subdivision, the population of a county shall be the population of its unincorporated area.

(b) Funds in excess of the amount determined pursuant to subdivision (a) may be allocated by the department to a city or county with an eligible project, if funds are available after the requests of all cities and counties with eligible projects are met.

2374. If funds are insufficient to completely finance any eligible project, such a project shall be deemed an eligible project for allocations in subsequent fiscal years.

2375. The department shall adopt necessary rules and regulations to implement the provisions of this chapter. Such rules and regulations shall contain provisions for establishing priorities in the event that the amount of funding needed for eligible projects

exceeds the amount of available funds. In preparing such rules and regulations and in administering this chapter, the department shall periodically confer with the Director of Parks and Recreation and with the committee established pursuant to Section 2315.

SEC. 6. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent (\$0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

(b) Thirty thousand dollars (\$30,000) per month shall be transferred to the Bicycle Lane Account in the State Transportation Fund.

(c) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization. In the event an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or

county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 945 are both chaptered and amend Section 2106 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 945, that the amendments to Section 2106 proposed by both bills be given effect and incorporated in Section 2106 in the form set forth in Section 6 of this act. Therefore, Section 6 of this act shall become operative only if this bill and Assembly Bill No. 945 are both chaptered, both amend Section 2106, and Assembly Bill No. 945 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 1093

An act to amend and renumber Sections 16645.1, 16645.2, 16645.3, 16645.4, 16645.5, 16645.6, 16645.7, 16645.8, 16645.9, 16645.10, 16645.11, 16645.11a, 16645.12, 16645.13, 16645.14, 16645.15, 16645.16, 16645.17, 16645.18, 16645.19, 16645.20, 16645.21, 16645.22, 16645.23, 16645.24, and 16645.25 of, to add Chapter 8.7 (commencing with Section 6880) to Division 6 of, and to repeal the heading of Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of, the Education Code, relating to development centers for handicapped pupils.

[Approved by Governor August 23, 1972. Filed with Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8.7 (commencing with Section 6880) is added to Division 6 of the Education Code, with the heading thereof to read:

CHAPTER 8.7. DEVELOPMENT CENTERS FOR THE HANDICAPPED

SEC. 2. The heading of Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of the Education Code is repealed.

SEC. 3. Section 16645.1 of the Education Code is amended and renumbered to read:

6880. The purpose of the Legislature in enacting this article is to continue these centers for handicapped pupils having successfully demonstrated that there is a need for such facilities to help these children from an earlier age, that such centers prevent the breakup of homes through respite from continuous 24-hour care of severely handicapped pupils, that such centers effectively relieve parents to engage in work, that the centers reduce significantly the demand for institutional placement, and that the centers are accessible to families without causing the physical dislocation of pupils from their families.

SEC. 4. Section 16645.2 of the Education Code, as amended by Chapter 834 of the Statutes of 1971, is amended and renumbered to read:

6880.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded pupils between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

Pupils who are otherwise eligible for development center placement as determined by the Superintendent of Public Instruction, and who are between 18 months and 3 years of age, may be enrolled in experimental programs conducted by a school district or county superintendent of schools maintaining a development center. Experimental programs for such pupils shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him.

SEC. 5. Section 16645.3 of the Education Code is amended and renumbered to read:

6880.4. As used in this article, "parent" includes any person having legal custody of a child, "center" means a development center for handicapped pupils, "governing board of any school district" includes a county board of education, and "school district"

includes a county superintendent of schools, unless a different meaning clearly appears from the context.

SEC. 6. Section 16645.4 of the Education Code is amended and renumbered to read:

6880.6. The Superintendent of Public Instruction shall establish and enforce reasonable and uniform standards for development centers for handicapped pupils, and shall establish standards for the admission of a child. He may change the standards whenever he deems it advisable.

SEC. 7. Section 16645.5 of the Education Code is amended and renumbered to read:

6880.8. A governing board maintaining a center may accommodate in the center children residing in another district upon such terms and under such conditions as may be agreed upon by the governing boards of both districts. Such terms and conditions shall include the payment of the cost required or authorized to be paid from the district general fund or a special development center tax levied by the operating district. The amount shall be paid from any funds of the contracting school district available for that purpose.

SEC. 8. Section 16645.6 of the Education Code is amended and renumbered to read:

6880.10. The governing board may permit the use of, and furnish maintenance for, buildings, grounds, and equipment of the district, and may use existing administrative personnel for the purposes of this article.

SEC. 9. Section 16645.7 of the Education Code, as amended by Chapter 677 of the Statutes of 1971, is amended and renumbered to read:

6880.12. The governing board may enter into agreements with any city, county, or city and county or other public agency for the furnishing to, or use by, the governing board in carrying out the provisions of this article, of property, facilities, personnel, supplies, equipment and other necessary items, and such city, county, city and county, or other public agency is authorized to enter into such agreements.

Agreements for the furnishing of property, facilities, supplies, equipment, and other necessary items may be entered into between governing boards and private nonprofit entities.

SEC. 10. Section 16645.8 of the Education Code is amended and renumbered to read:

6880.14. The Superintendent of Public Instruction shall apportion state funds to the districts or county superintendents of schools in such amounts as are necessary for the operation of such centers, except that in no event shall the amount apportioned exceed the sum obtained by multiplying one dollar and seventy-five cents (\$1.75) and the number of hours of child attendance earned by such center.

SEC. 11. Section 16645.9 of the Education Code is amended and renumbered to read:

6880.16. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district or county superintendent of schools maintaining a center may include in its budget the amount necessary to carry out its program pursuant to this article and the board of supervisors shall levy a school district tax or county tax necessary to raise such amount. The tax shall be in addition to any other school district tax or county tax authorized by law to be levied.

Funds derived from such tax may be expended in addition to state funds, and shall not operate to affect the operation of the formula for apportioning state funds provided for in Section 6880.14.

Any tax funds raised pursuant to this section may be used to purchase land or buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for a center.

SEC. 12. Section 16645.10 of the Education Code, as amended by Chapter 677 of the Statutes of 1971, is amended and renumbered to read:

6880.18. Any school district which has entered into a contract with a county superintendent of schools or with another school district and any county superintendent of schools who has entered into a contract with a school district or another county superintendent of schools for services of a center shall be deemed for the purpose of Section 6880.16 to be maintaining a center.

SEC. 13. Section 16645.11 of the Education Code is amended and renumbered to read:

6880.20. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped pupils fund" into which shall be paid all funds received by the district for, or from the operation of, centers established under this article. The costs incurred in the maintenance and operation of centers shall be paid from the fund, except that any contributions, other than those described in Section 6880.22, authorized or required to be paid by the district on account of services of employees of a center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Section 6880.16, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of centers, may be expended for, or in connection with, a center.

SEC. 14. Section 16645.11a of the Education Code is amended and renumbered to read.

6880.22. Contributions authorized or required by law to be paid by the district to a retirement system on account of services of employees of a center rendered in connection with center services furnished to persons participating in a work incentive program

pursuant to Section 432 of the Social Security Act, as described in subdivision (j) of Section 16603, shall be paid from the development center fund.

SEC. 15. Section 16645.12 of the Education Code is amended and renumbered to read:

6880.24. If during any fiscal year there is apportioned to the "development center for handicapped pupils fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency.

SEC. 16. Section 16645.13 of the Education Code is amended and renumbered to read:

6880.26. The State Department of Education is hereby authorized to accept funds from the Government of the United States and to apportion them to the governing board of such school districts as conduct centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this article and all such funds may be accepted subject to such conditions as will further the purposes of this article.

SEC. 17. Section 16645.14 of the Education Code is amended and renumbered to read:

6880.28. The Superintendent of Public Instruction shall establish standards for the issuance of permits for persons to be employed in centers established under this article. Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

SEC. 18. Section 16645.15 of the Education Code, as amended by Chapter 410 of the Statutes of 1968, is amended and renumbered to read:

6880.30. The governing board shall employ in a center only such persons who hold credentials issued by the State Board of Education or permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and training of children or supervision of a center program. Each person employed by the governing board of a school district for a position requiring a credential or permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid credential or permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed credential or permit in the same manner. A school district or a county superintendent of schools maintaining one or more centers shall designate one person in each center to serve as a supervising

head teacher. Such supervising head teacher shall hold a valid credential to teach exceptional children.

SEC. 19. Section 16645.15 of the Education Code, as amended by Chapter 557 of the Statutes of 1970, is amended and renumbered to read:

6880.30. The governing board shall employ in a center only such persons who hold credentials issued by the State Board of Education or Commission for Teacher Preparation and Licensing or permits issued by the commission. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and training of children or supervision of a center program. Each person employed by the governing board of a school district for a position requiring a credential or permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid credential or permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed credential or permit in the same manner. A school district or a county superintendent of schools maintaining one or more centers shall designate one person in each center to serve as a supervising head teacher. Such supervising head teacher shall hold a valid credential to teach exceptional children.

SEC. 20. Section 16645.16 of the Education Code is amended and renumbered to read:

6880.32. Each person employed in a center in a position requiring certification shall be subject to the same rules and regulations and eligible for the same benefits as provided for all teachers within the school district maintaining the center. Other personnel employed by a school district or a county superintendent of schools in a center under the provisions of this article shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications; provided, however, that any person who is a member of the State Teachers' Retirement System because of employment to perform duties which are requisite for membership and who subsequently is employed by a school district or a county superintendent of schools in a center under the provisions of this article shall continue to be a member of the State Teachers' Retirement System with respect to his duties as such employee in such a center upon assuming such duties, unless he elects by a writing filed in the office of the State Teachers' Retirement System within 90 days after such entry, not to continue as a member with respect to his new duties. The provisions of this section shall apply with equal effect to any member who shall have been employed by a school district or county superintendent of schools in a center under the provisions of this article prior to the

effective date of this section. Continuance of his membership in the State Teachers' Retirement System of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as such employment is concerned, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by the State Teachers' Retirement System to the member's latest address on file in the office of said system, not to be a member of the system with respect to the duties which, but for the provisions of this section, otherwise would not be so requisite for membership therein.

SEC. 21. Section 16645.17 of the Education Code is amended and renumbered to read:

6880.34. The governing board may adopt such reasonable rules and regulations governing the center or centers maintained by it as are not in conflict with law or the standards and regulations established for centers by the Superintendent of Public Instruction. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to, and their exclusion from, such center or centers.

SEC. 22. Section 16645.18 of the Education Code is amended and renumbered to read:

6880.36. No standard, rule or regulation shall require medical examination or immunization for admission to a center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

SEC. 23. Section 16645.19 of the Education Code is amended and renumbered to read:

6880.38. Children regularly enrolled in a center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

SEC. 24. Section 16645.20 of the Education Code is amended and renumbered to read:

6880.40. Any center may be discontinued at any time at the discretion of the governing board of the district upon the giving of the notice herein prescribed.

Not less than 30 days before the discontinuance of a center the governing board shall mail to each person having custody of a child in attendance at such center a notice of the intended discontinuance of the center and the date the discontinuance will become effective, and shall post a similar notice at the center.

SEC. 25. Section 16645.21 of the Education Code is amended and renumbered to read:

6880.42. Any unencumbered balance remaining in a district "development center for handicapped pupils fund" may be deposited in the general fund of the school district one year after the discontinuance of its center program pursuant to Section 6880.40.

SEC. 26. Section 16645.22 of the Education Code is amended and renumbered to read:

6880.44. The governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed upon the district by any law of this state, in any insurance company authorized to do business in this state. The cost of such insurance shall be paid out of the "development center for handicapped pupils fund" of the district.

SEC. 27. Section 16645.23 of the Education Code, as amended by Chapter 677 of the Statutes of 1971, is amended and renumbered to read:

6880.46. An Advisory Committee on Development Centers for Handicapped Pupils shall be established to aid in setting standards for admission to centers, and to advise the Department of Education in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped pupil to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

The members of the committee shall serve without compensation, except that they may receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including travel expenses.

SEC. 28. Section 16645.24 of the Education Code is amended and renumbered to read:

6880.48. The governing board of any school district, or any county

superintendent of schools, may provide for the transportation of children between their homes and the center attended by them as provided by a school district. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools an amount equal to the current expense of transporting severely handicapped children, but not to exceed the cost of six hundred seventy-five dollars (\$675), for each unit of average daily attendance in a center per year resulting from the attendance of such children transported between home and the center. Average daily attendance as used herein shall be determined on the basis of 250 days per year.

SEC. 29. Section 16645.25 of the Education Code is amended and renumbered to read:

6880.50. The Superintendent of Public Instruction shall provide coordinative, consultant, and supervisory services for programs for centers and shall employ personnel who shall devote their entire time to the provision of such services.

SEC. 30. Neither Section 1 of Chapter 1748 of the Statutes of 1971, nor any other provision of that chapter shall apply to any section amended and renumbered by this act.

SEC. 31. Section 19 of this act shall become operative on July 1, 1973, or upon such earlier date as the Commission for Teacher Preparation and Licensing shall determine; at which time Section 18 of this act shall cease to be operative.

CHAPTER 1094

An act to amend Section 14132 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14132 of the Welfare and Institutions Code is amended to read:

14132. The following is the basic schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

The extent of such coverage is limited to a maximum total of two services from among the above in any month, and not to exceed

twenty-four (24) services from among the above during any period of twelve (12) consecutive months; provided however that only as to physician outpatient services, any visits unused during the month immediately preceding the current month may be used in the current month, subject to the limitation that physician and other services from among the above shall not be covered in excess of twenty-four (24) among all such services during any period of twelve (12) consecutive months. As to hospital outpatient services, the above limitation on extent of coverage shall not apply to the services set forth in subdivisions (e), (f), (g), (h), (l), and (m) when rendered as part of a hospital outpatient visit.

(b) Hospital inpatient care, including physician services, is covered to a maximum of sixty-five (65) days in a period of twelve (12) consecutive months, subject to utilization controls.

(c) Nursing home care, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Other covered services listed in subdivision (a) of this section shall be subject to outpatient service controls described in subdivision (a) of this section.

(d) Purchase of prescription drugs is covered, but not to exceed two prescriptions purchased during any one month, as prescribed, subject to the Medi-Cal Drug Formulary.

(e) Hospital outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Anesthesiologist's services when provided as part of an outpatient medical procedure, outpatient laboratory services, and X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain artificial dentures necessary for obtaining employment.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(l) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Physical therapy services, occupational therapy services, speech therapy services and audiology services provided in

rehabilitation centers approved by the department are covered, subject to utilization controls and approval by the department of extended treatment plans.

(o) Intermediate care facility services, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls.

CHAPTER 1095

An act to amend Sections 21207, 22358.3, and 22503.5 of, and to add Section 32 to, the Vehicle Code, relating to local authorities.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 32 is added to the Vehicle Code, to read:

32. Whenever local authorities are given the power to take action by ordinance pursuant to Division 11 (commencing with Section 21000) and Division 15 (commencing with Section 35000), they shall also have the power to take such action by resolution.

SEC. 2. Section 21207 of the Vehicle Code is amended to read:

21207. This chapter does not prevent local authorities from establishing, by ordinance or resolution, bicycle lanes separated from any vehicular lanes upon highways, other than state highways as defined in Section 24 of the Streets and Highways Code and county highways established pursuant to Article 5 (commencing with Section 1720) of Chapter 9 of Division 2 of the Streets and Highways Code, and from regulating the operation, and use of bicycles and vehicles with respect to such bicycle lanes.

SEC. 3. Section 22358.3 of the Vehicle Code is amended to read:

22358.3. Whenever a local authority determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour in a business or residence district or in a public park on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than is reasonable or safe, the local authority may, by ordinance or resolution, determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

SEC. 4. Section 22503.5 of the Vehicle Code is amended to read:

22503.5. Notwithstanding any other provision of this code, any local authority may, by ordinance or resolution, establish special parking regulations for two-wheeled or three-wheeled motor vehicles.

CHAPTER 1096

An act to provide for the physical, social, and economic development of the Alviso area of the City of San Jose by creating the Alviso Nuevo Development Corporation, and prescribing the boundaries, organization, purposes, powers, operation, management, and financing of the corporation.

[Approved by Governor August 23, 1972. Filed with Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

Article 1. General Provisions

SECTION 1. There is hereby created, in that part of the City of San Jose which is described in this section, a public body, corporate and politic, known as the Alviso Nuevo Development Corporation, which may, subject to the provisions of Section 2 of this article, exercise the powers enumerated in this act, those necessarily implied therefrom, and such other powers as the law may provide, within and for that part of the City of San Jose bounded and described as follows, to wit:

Commencing at the common corner for Section 1 in Township 6 South, Range 2 West, M.D.M., Section 6 in Township 6 South, Range 1 West, M.D.M., Section 31 in Township 5 South, Range 1 West, M.D.M., and Section 36 in Township 5 South, Range 2 West, M.D.M., thence Easterly along the dividing line of said Sections 6 and 31 to the centerline of Alviso or Steamboat Slough, as it is located on the effective date of the Alviso Nuevo Development Corporation Act; thence following the centerline of said Slough, up the stream to the point of intersection with the Westerly prolongation of the Southerly line of that certain parcel Six of tract of land described in the Decree Quieting Title entered on September 19, 1932, in the Superior Court of the State of California in and for the County of Santa Clara in that certain Action entitled, "Arden Salt Company, a corporation, plaintiff vs. M. G. Riley, et al., defendants," Case No. 41492, a certified copy of which Decree was filed for record in the office of the Recorder of the County of Santa Clara, State of California on June 9, 1933, in Book 650 of Official Records, page 391; thence Easterly along said Westerly prolongation and the Southerly line to the point of intersection thereof with the Southwesterly line of that certain 15.053 more or less acre parcel of land described in the deed from Leslie Salt Co., a Delaware corporation, to the County of Santa Clara, recorded in Book 6577 of Official Records, page 560, Santa Clara County records, said point being the true point of beginning; thence from

said true point of beginning Northwesterly along last said Southwesterly line and Northeasterly along the Northwesterly line of said 15.053 more or less acre parcel of land to the Southwesterly corner of that certain parcel of land described in the deed to County of Santa Clara, recorded in Book 7544 of Official Records, page 211, Santa Clara County records; thence Northerly along the Westerly line of last said lands of County of Santa Clara to the Northwesterly corner of last said lands of County of Santa Clara, and the Easterly prolongation of last said Northerly line to the point of intersection thereof with the Easterly line of South Pacific Coast Railroad right of way as shown upon that certain map entitled, "Map of New Chicago at Port of Alviso," which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on April 11, 1890, in Book D of Maps, at pages 184 and 185; thence Northerly along said Easterly line to the point of intersection thereof with the Northerly line of said Map of New Chicago; thence Easterly along last said Northerly line to the point of intersection thereof with the Northeasterly line of Spreckles Avenue as shown upon said "Map of New Chicago at Port of Alviso"; thence Southeasterly along said Northeasterly line of Spreckles Avenue to the intersection thereof with the centerline of a 100 foot wide right-of-way to be conveyed to the City of San Jose by the County of Santa Clara for the installation, operation and maintenance of a railroad spur track; said point being 10± feet north of the centerline of Madison Street on the Northeasterly line of Spreckles Avenue thence from said point of beginning on a curve to the right having a radius of 4990.00 feet, a central angle of 4° 54' 23" and an arc length of 427.31 feet, thence continuing along the centerline of said 100 foot right-of-way S 67° 44' 53" E 707.62 feet, thence on a curve to the right with a radius of 4990 feet, a central angle of 22° 50' 45" for an arc distance of 1989.69 feet thence S 44° 54' 08" E 297.24 feet to the terminus of said 100 foot right-of-way, said terminus lying on the Southeasterly line of Grand Boulevard 75'± Easterly from the Easterly line of Shively Avenue; as said streets are shown on above listed Map of New Chicago at Port of Alviso as said map is recorded in Book D of Maps, page 185, Office of the County Recorder, County of Santa Clara, State of California; thence Southwesterly along said Southeasterly line of "New Chicago" to the point of intersection thereof with the Southwesterly line of that certain 30.259 acre parcel of land as shown upon that certain map entitled, "Record of Survey of a portion of Swamp and Overflow Lot 9; lying within the City of Alviso, County of Santa Clara, California for W. Johnson et al." recorded in Book 223 of Maps, at page 18, Santa Clara County records; thence Southeasterly along the general Southwesterly line of said 30.259 acre parcel of land to the Southwesterly corner of said 30.259 acre parcel of land; thence along a course as shown "South 43° 15' 37" West 1187.20 feet" on the said Record of Survey Map to the point of intersection thereof with the Southerly line of that certain Santa Clara Valley Railroad Company, a corporation, right of way (10

feet wide) conveyed by James A. Shields, et ux., to Santa Clara Valley Railroad Company, a corporation, by deed dated October 4, 1896, and recorded in Book 195 of deeds, page 459, in the Office of the County Recorder of Santa Clara County, State of California; thence Easterly along said Southerly line of 10 foot wide right of way to the point of intersection thereof with the Northeasterly line of that certain 45.23 acre parcel of land described in the deed from A. S. Brazil to B. S. Brazil recorded in Book 943 of Deeds, page 68, in the office of the Recorder of the County of Santa Clara, State of California; thence Southeasterly along last said Northeasterly line to the point of intersection thereof with the Northerly line of that certain parcel of land described in the deed from John Laidlaw, et al. to Title Insurance and Trust Company, a corporation, recorded in December 22, 1967, in Book 7972 of Official Records, page 486, Santa Clara County records; thence Easterly along last said Northerly line to the point of intersection with the centerline of a Slough as it is located on the effective date of the Alviso Nuevo Development Corporation Act; thence following the centerline of last said Slough, up the stream to the point of intersection thereof with the Northerly line of that certain 52.28 acre parcel of land described in the Decree of Final Distribution entered July 12, 1960, in the Superior Court of the State of California in and for the County of Santa Clara In the Matter of the Estate of Norman L. Meads, also known as N. L. Meads, deceased, Case No. 50548, a certified copy of which decree was filed for record in the office of the County Recorder of County of Santa Clara, State of California, on July 16, 1960, in Book 4858 of Official Records, page 142; thence Easterly along last said Northerly line to the Northeasterly corner of said 52.28 acre parcel of land; thence Southerly along the Easterly line of said 52.28 acre parcel of land and the Southerly prolongation of last said Easterly line to the point of intersection thereof with the Southerly line of Alviso-Milpitas Road (66 feet wide), being in the City Limits line of the City of San Jose, as established by said City Annexation Boundaries of Former City of Alviso, which was consolidated with City of San Jose on March 12, 1968; thence Easterly along said City Limits line and Southerly line of Alviso-Milpitas Road to the Northerly terminus of the course described in the City Annexation Lick No. 2 as "North 16° 18' West 62 feet"; thence Southerly along said 62 foot course to the centerline of Coyote River as it is located on the effective date of the Alviso Nuevo Development Corporation Act; thence Southerly following said centerline of Coyote River to the point of intersection thereof with the Northeasterly prolongation of the Northwesterly line of that certain strip of land (80 feet wide) described in the Final Decree of Condemnation, entered April 7, 1955, in the Superior Court of the State of California in and for the County of Santa Clara, in that certain action entitled, "City and County of San Francisco, a municipal Corporation, plaintiff, vs. Manuel S. Rogers, et al." Case No. 75907, a certified copy of which order was filed for record in the office of the Recorder of the County of Santa Clara, State of

California, on May 12, 1955, in Book 3167 of Official Records, page 177; thence Southwesterly along said Northeasterly prolongation and said Northwesterly line of said strip of land (80 feet wide), and along the Southwesterly prolongation of said Northwesterly line of that certain strip of land (80 feet wide) to the point of intersection thereof with the construction centerline of Guadalupe River, as said construction centerline is existing in the field and being also shown upon that certain As Built Plan entitled, "Map and General Construction Plans of Guadalupe River Unit 1 from Montague Road to Alviso Slough, Zone C-1 (Central) Project No. 30016, Santa Clara County Flood Control and Water Conservation District, Santa Clara County, California, filed in the Engineer's Office of the Santa Clara County Flood Control and Water Conservation District, dated April 26, 1963; thence Northwesterly following said existing construction centerline to the point of intersection thereof with the construction "A2" centerline of State Highway "SCL-113-A, Sunv., SCL, SJS, Alv.," as said construction "A2" centerline is existing in the field and being also shown upon that certain As Built Plan entitled, "Plan and Profile of State Highway, In Santa Clara County between 0.2 Mile East of Lawrence Station Road and 0.2 Mile East of San Jose-Alviso Road" filed in the Engineer's Office, the State of California, Department of Public Works, District IV, dated August 16, 1957; thence Southwesterly following said existing construction "A2" centerline to the point of intersection thereof with the centerline of Saratoga Creek as it is located on the effective date of the Alviso Nuevo Development Corporation Act; thence following the centerline of said creek, down the stream to the point of intersection thereof with the dividing line of Sections 9 and 16, in Township 6 South, Range 1 West, M.D.M.; thence from said point of intersection on a straight line to the true point of beginning, excluding therefrom any of the above described real property not located within the City of San Jose.

Notwithstanding the provisions of this section, the boundaries of the Alviso Nuevo Development Corporation shall not include the San Francisco Bay National Wildlife Refuge or any lands owned or under the jurisdiction of the state by virtue of its sovereignty, including, but not limited to, any interests in lands owned by the State of California which are under the jurisdiction of the State Lands Commission, and any lands presently covered by navigable waters; provided, however, that the State Lands Commission may enter into agreements with the Alviso Nuevo Development Corporation for the inclusion within the boundaries of the community such lands under the jurisdiction of the State Lands Commission which are filled and reclaimed.

SEC. 2. The Alviso Nuevo Development Corporation shall not transact any business or exercise any powers under this act unless and until the legislative body of the City of San Jose, by ordinance, declares that there is a need for the corporation to function in that part of the City of San Jose which is described in Section 1 of this act. The ordinance of the legislative body of the City of San Jose declaring

that there is a need for the corporation to function in such part of San Jose shall be subject to referendum as prescribed by law for an ordinance of the City of San Jose.

SEC. 3. This act shall be known and may be cited as the "Alviso Nuevo Development Corporation Act".

SEC. 4. This act shall be liberally construed to effectuate its purposes.

SEC. 5. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 6. Whenever any reference is made to any portion of this act or of any other law or code, such reference shall apply to all amendments and additions thereto.

Article 2. Definitions

SEC. 10. The definitions contained in this article shall govern the construction of this act, unless the context otherwise requires. The definitions are as follows:

(a) "Corporation" means the Alviso Nuevo Development Corporation created herein.

(b) "Governing board, board, or board of directors" means the board of directors of the corporation which is the governing body of the corporation.

(c) "Council" means the legislative body of the City of San Jose.

(d) "City" and "City of San Jose" mean the City of San Jose, a municipal corporation of the State of California.

(e) "County" means the County of Santa Clara.

(f) "President" means the president of the board of directors of the corporation.

(g) "Secretary" means the secretary of the corporation.

(h) "Community" means that part of the city which is described in Section 1 of this act.

(i) "Community board" means the "Alviso Nuevo Community Board" established by this act.

(j) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the corporation pursuant to Article 9 (commencing with Section 110) of this act.

(k) "Plan" means a plan for the development or redevelopment of all or any part of the area of the community which has been duly formulated and approved by the board of directors of the corporation in the manner provided in this act.

(l) "Project" means any and all action taken by the corporation to implement an approved plan.

(m) "Develop and redevelop" means develop or redevelop or both develop and redevelop, and includes preparing a plan or plans for the community, exercising any and all of the powers set forth in Section 52 of this act, including acquiring, clearing and grading land,

acquiring, making, installing or constructing water lines and water supply installations, sewer lines and sewage disposal installations, steam, gas and electric lines and installations, including contracting with public utilities in the area to install, own, and operate such lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities and other installations or work, whether on or off the site which the corporation deems necessary or desirable to prepare land for residential, commercial, industrial or other uses, or to provide facilities for public or common use, constructing public facilities and buildings, constructing buildings needed in connection with a water supply or sewage disposal installation or a steam line or installation, constructing buildings to be owned and maintained by residents of the community under joint or cooperative arrangements approved by the Secretary of Housing and Urban Development, and all other things which the governing board is empowered by this act to do for the development or betterment of the community.

(n) "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.

Article 3. General Administrative Provisions

SEC. 20. The corporation shall be governed by a board of directors which shall be the members of the council serving ex officio as a governing body of the corporation. Such board of directors shall be vested with all powers of the corporation.

SEC. 21. The board of directors shall act only by ordinance, by resolution, or by motion made, seconded and adopted. The vote on all ordinances, resolutions, and motions shall be by "ayes" and "noes". The individual vote of each member of the governing board shall be entered in the minutes of such board, except that where a vote is unanimous it may be so recorded. Upon request of any member of such board, a rollcall vote shall be taken and recorded on any vote. Whenever a rollcall vote of the governing board is in order, the secretary of the board shall call the names of members in alphabetical order except that the name of the presiding officer shall be called last. All members present shall be required to vote unless disqualified from doing so by law. All written ordinances and resolutions shall be signed by the presiding officer and by the secretary of the board. The procedure for adoption of an ordinance by the board of directors shall be the same as the procedure which the council would be required to follow if it were to adopt such an ordinance.

SEC. 22. A quorum for the transaction of business by the board of directors shall be the same as that required for the transaction of business by the council. The affirmative vote required for any act of the board of directors shall be the same as that which would be required if such act were taken by the council.

SEC. 23. The office of president of the board of directors is hereby established. The president shall preside at meetings of the

board of directors, and shall have a vote as a member of such board. He shall have authority to preserve order at all meetings of the board of directors, to remove or cause removal of any person at any meeting of the board for disorderly conduct, to enforce the rules of the board of directors, and to determine the order of business under the rules of the board of directors. He shall also exercise such other powers and perform such other functions, consistent with this act as may be prescribed by the board of directors.

The Mayor of the City of San Jose shall be the president of the governing board. The Vice Mayor of the City of San Jose shall serve as president during the temporary absence or the inability of the mayor to discharge the duties of the president. In case of absence or disability of both the mayor and vice mayor, the governing board may elect one of its members to act as president pro tempore until the mayor or vice mayor is present and able to function as president.

SEC. 24. The president of the board of directors, and each member of the board of directors, shall receive no compensation for services performed by them for the corporation other than such compensation, if any, as they may be entitled to by virtue of their being the mayor, vice mayor or members of the council. However, the president and each member of the board of directors shall receive reimbursement, if and to the extent such is authorized by the board of directors, for expenses incurred in the performance of their duties or functions of office.

SEC. 25. Unless otherwise provided by the board of directors, the City Manager, City Clerk, Director of Finance, City Auditor, Director of Public Works, Director of Planning and the City Attorney, of the City of San Jose shall be the manager, secretary, director of finance, auditor, director of public works, director of planning, and attorney, respectively, of the corporation, and as such, shall exercise such powers and perform such functions for the corporation and its governing board as that exercised and performed for the City of San Jose.

Also, unless otherwise provided by the board of directors, the City of San Jose may assign other officers and employees of the City of San Jose to exercise such powers and perform such duties and functions for the corporation as may be approved by the board of directors.

No officer or employee of the City of San Jose who is assigned by the city to exercise any powers or perform any duties or functions for or on behalf of the corporation or who is required by this act to exercise any powers or perform any duties or functions for or on behalf of the corporation shall be entitled to any extra compensation therefor from the corporation, except to the extent that such may be authorized and provided by the board of directors. If, and to the extent that such officers and employees are not fully compensated by the corporation for their services to the corporation, the City of San Jose shall be entitled to reimbursement for the value of their services and the corporation shall so reimburse the city. However, the city may, from time to time, relinquish any rights which it may then have

to reimbursement for any services theretofore performed for the corporation by all or any of the officers or employees of the city.

SEC. 26. The corporation, in order to exercise and carry out its powers, functions and duties, may from time to time hire or employ such officers and employees as it may deem reasonably necessary, or may contract with the city, or with any other public entity, or with any private person or persons for any services which it may deem reasonably necessary to carry out the purposes of this act.

Article 4. Alviso Nuevo Community Board

SEC. 30. The Alviso Nuevo Community Board is hereby created. It shall consist of 11 members. Each member shall be elected or appointed, as hereinafter provided, for two-year terms the beginning and ending dates of which shall be determined by the board of directors. Except as may be hereinafter otherwise provided, the terms of all members shall begin and end at the same time.

Seven of the 11 members shall be elected to the community board at elections to be called by the board of directors. The elections shall be held and conducted in the community at times, in the manner and in accordance with procedures and regulations established by the board of directors. The vote required for election shall be determined by the board of directors prior to an election. Only residents of the community who shall have resided in the community for at least 30 days before the date of an election and who are of the age of 18 years or more shall be eligible to vote at any such election. No person shall be a candidate at any such election unless he is a resident of the community and unless he will be eligible to vote at such election. Also, no person shall be eligible to take or hold office as one of such seven members unless he is of the age of 18 years or more, unless he was a resident of the community for at least 30 days before the date of the election at which he was elected to such office and unless, in addition, he is a resident of the community at all times during his incumbency. Any of such seven members who ceases to be a resident of the community automatically ceases to be a member of the community board as of the date he ceases to be a resident.

Two other members of the community board shall be owners of land situated in the community or shall be shareholders, partners, associates, officers or employees of corporations, partnerships, associations, or other artificial entities or organizations owning land in the community. There shall be no limit on the amount of land in the community owned by such members and they need not be residents of the community. Such members shall be appointed by the board of directors. If any such member ceases to possess the qualifications for membership specified in this section, he shall immediately cease being a member of the community board.

Two other members shall be residents of the city who neither reside in the community nor own any land in the community. Such members shall be appointed by the board of directors. If any such

member should cease being a resident of the city, or should become a resident of the community, or become an owner of land situated in the community, his membership shall immediately cease.

SEC. 31. The office of a member of the community board becomes vacant on the occurrence, before the expiration of such officer's term, of any of the events specified in Section 409 of the Charter of the City of San Jose, as such charter reads on the effective date of this act; provided that in the interpretation of Section 409 the word "city" as used therein shall be deemed to refer to the corporation, and the word "council" as used in Section 409 shall be deemed to refer to the board of directors of the corporation, except that as used in the first paragraph of Section 409, and as first used in the first sentence of subsection (m) of Section 409, it shall be deemed to refer to the community board.

If the office of a member of the community board becomes vacant before the expiration of such member's term of office, the vacancy shall be filled, without unreasonable delay, in the same manner as provided for the selection of the prior incumbent, for the remainder of the term of the prior incumbent.

SEC. 32. Each member of the community board shall be paid, as compensation for his services as a member of such board, for each calendar month during which he is a member of the community board, the sum of twenty-five dollars (\$25) per calendar month. Also, such members shall receive reimbursement, if and to the extent such is authorized by the board of directors, for expenses incurred in the performance of their duties or functions of office.

SEC. 33. The corporation shall provide the community board with the services of an executive director who, under the control and supervision of the community board, shall assist the community board, in such manner as the community board may reasonably require, in the performance of its duties and functions. The executive director shall be a person approved by the community board.

The corporation shall also provide the community board with secretarial and other staff help reasonably required by it for the performance of its functions and duties, including the services of contractual expert consultants.

SEC. 34. The community board shall have such functions and duties as are hereinafter provided in this act.

SEC. 35. The community board shall act by resolution or by motion made, seconded and adopted. The vote on all resolutions and motions shall be by "ayes" and "noes". The individual vote of each member of the community board shall be entered in the minutes of such board except that where a vote is unanimous it may be so recorded. Upon request of any member of the community board a rollcall vote shall be taken and recorded on any vote. Whenever a rollcall vote of the community board is in order the secretary of the community board shall call the names in alphabetical order except that the name of the presiding officer shall be called last. All members present shall be required to vote unless disqualified from

doing so by law. All written resolutions shall be signed by the presiding officer and by the secretary of the community board.

SEC. 36. A quorum for the transaction of business by the community board shall be six members. The affirmative vote of at least six members shall be required for any act of the community board.

SEC. 37. The community board shall elect one of its members to act as presiding officer at the pleasure of the community board. The community board may remove and replace the presiding officer with another member of the board at any time that it may wish to so do. The community board shall adopt rules and regulations for the conduct of its meetings and affairs.

Article 5. Findings and Purpose

SEC. 40. It is found and declared that the community is characterized and blighted by:

(a) The existence of buildings and structures in parts of the area used or intended to be used for living, commercial, and industrial purposes which are unfit or unsafe to occupy for such purposes and are conducive to ill health and transmission of disease because of the combination of the following factors:

(1) Defective design and character of physical construction.

(2) Faulty interior arrangement and exterior spacing.

(3) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.

(4) Age, obsolescence, deterioration, and dilapidation.

(b) An economic imbalance between the ability of present tenants to pay rent commensurate with the value of the property rented which results in a perpetuation of the foregoing conditions.

(c) The existence of substantial areas which because of their low elevation are subject to being submerged by sea water, stream floodwaters and surface ground waters.

(d) Inadequate and inefficient vehicular traffic patterns.

(e) The existence of substantial areas presently or heretofore devoted to use for garbage disposal purposes.

(f) Lack of storm drainage facilities adequate to receive and carry off surface ground and storm waters, or to meet future needs of the community.

(g) Lack of sanitary sewer and sewage treatment facilities adequate to receive and carry off sanitary sewage from existing establishments and to handle future needs of the community.

(h) Lack of a water distribution system capable of satisfying the present and future needs of the community.

(i) Insufficient power, electrical, gas and communication system to handle present and future needs of the community.

(j) Insufficient safe and sanitary low-cost housing facilities.

(k) Lack of cultural facilities and entertainment facilities.

(l) Lack of any passenger bus or other transit systems.

(m) Inadequate number of job or work opportunities for residents of the community.

SEC. 41. It is further found and declared that there is a great and pressing demand for more housing, for more commercial and industrial establishments to provide jobs for residents, and for the correlation of the community with other areas of the city and county, by streets and public places, and without governmental help the community cannot be developed on a planned, coordinated and productive basis, and such lack of governmental help will preclude the proper development of the community and inhibit its use to the detriment of the people of the community, the city, the county and the state, all of which results in a compelling economic need for the corporation to function with the powers enumerated in this act.

SEC. 42. It is further found and declared that the private assembly of land in the community for development is so difficult and costly that it is uneconomic and as a practical matter impossible for private persons and owners to undertake because of lack of legal power and excessive costs. The community requires replanning and land assembly for reclamation and development in the interest of the general welfare because of scattered ownership. The remedying of these conditions requires the public acquisition, at fair prices of adequate areas, the clearance of such areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings, and the development and redevelopment of the community under proper supervision, with appropriate planning and continuing land use and construction policies.

SEC. 43. It is further found and declared that the existence of the conditions set forth above in Section 42 presents difficulties and handicaps which are beyond remedy and control solely by private interests and the regulatory processes in the exercise of the police power under present laws.

SEC. 44. It is further found that the territory within the community constitutes a single comprehensive land unit the nature of which is such that no part thereof can be properly and practicably planned and developed without preparing and developing plans and improvements on a communitywide basis, for example, a communitywide flood control and drainage system, sanitary sewer system, street system, communication system, street lighting system, water system, power system, reclamation plan, and other major communitywide improvements, works and facilities.

SEC. 45. It is further found that the proper planning and development and redevelopment of the community requires a public developer with full authority to plan and undertake the implementation of a plan for the development and redevelopment of the entire community, and with full authority to avail itself of federal assistance in the accomplishment of such objective; that existing legislation is inadequate for such purpose and the accomplishment of such objective; and that special legislation is necessary for such purpose.

SEC. 46. It is further found that special legislation is necessary in order to create a local entity which will meet the definition of a State Land Development Agency under Title VII of the Housing and Urban Development Act of 1970, with authority to act as developer in carrying out, with required community participation, one or more development programs for the community which will qualify for federal financial assistance, loans, grants, guarantees or commitments under such act, and with authority to issue bonds, the income from which is not exempt from state and federal taxation.

SEC. 47. The purpose of this act is to provide a public body which will qualify as a State Land Development Agency under Title VII of the Housing and Urban Development Act of 1970, which is authorized to prepare a plan or plans for the community and to acquire and develop land in the community in pursuance of such plan or plans in cooperation with the community board, so as to enable public authorities, local residents and private interests to cooperate in the development of the community in such a manner as will:

(1) Encourage the orderly development of a well-planned, diversified and economically sound community as an integral part of the city, relying to the maximum extent on private enterprise.

(2) Strengthen the capacity of the city to deal with the local problems of the community.

(3) Preserve and enhance both the natural and urban enrichment of the community and of the city.

(4) Increase for all persons, particularly members of minority groups, the available choices of locations for living and working, thereby providing a more just economic and social environment.

(5) Encourage the fullest utilization of the economic potential of the community.

(6) Assist in the efficient production of a steady supply of residential, commercial and industrial building sites at reasonable cost.

(7) Increase the capability of all segments of the home-building industry, including both small and large producers to utilize improved technology in producing the large volume of well-designed, inexpensive housing needed to accommodate population growth in the community and the city.

(8) Help create neighborhoods in the community designed for easier access between the places where people live and the places where they work and find recreation.

(9) Encourage desirable innovation in meeting domestic problems of the community whether physical, economic or social.

(10) Provide for the creation of a substantial number of jobs, both through development of the community and through the location of business enterprise within the community.

Article 6. Powers of Corporation

SEC. 50. The corporation may adopt and use a seal, alterable at the pleasure of the board of directors.

SEC. 51. The corporation may sue and be sued in its own name.

SEC. 52. The corporation may make and implement plans for the development and redevelopment of, and may develop and redevelop, all or any part of parts of the community, and for such purpose may do, but not be limited to, any and all things included within the meaning of the term "land development" as such term is defined in the federal "Urban Growth and New Community Development Act of 1970", and for the purpose of entirely or partly financing such activities, may apply for and receive any type of federal financial assistance available to it either as loans, grants, guarantees or other commitments including, but not limited to, those available to a State Land Development Agency under such federal act, and may make or enter into contracts or agreements with the federal government in connection therewith.

SEC. 53. The corporation may acquire, construct, reconstruct, alter, enlarge, lay, renew and replace facilities and works used or useful for the following purposes:

(a) The production, supply, storage, treatment and distribution of water for domestic and fire protection purposes.

(b) The collection, treatment and disposal of sewage, waste, storm and flood waters.

(c) Street and highway lighting.

(d) Roads, streets, alleys, curbs, gutters, culverts, sidewalks and other public ways.

(e) Power and communication facilities, including but not limited to steam, gas and electrical facilities.

(f) Off-street motor vehicle parking lots, structures and facilities.

(g) Reclamation of public and private lands by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, services, pipes, watergates, pumping plants and all works or structures useful therefor.

Upon completion of all or any of such facilities, the corporation may convey to the city, subject to city's consent and acceptance, all or any of the facilities so completed, and upon such conveyance the city shall own the same, and may maintain and operate them.

Facilities under subdivision (e) of this section shall be acquired or constructed pursuant to agreement with the regulated public utility providing service to the community in the manner provided in Sections 10109 to 10111, inclusive, of the Streets and Highways Code. Facilities under subdivision (2) of this section may be conveyed by the corporation, if it so elects, to the city or to any other public body authorized to maintain and operate such facilities, if the city or other public body consents to such transfer and accepts the same.

SEC. 54. The corporation may provide for the assembly, planning, development, replanning, redesign, clearance,

reconstruction or rehabilitation, or any combination of these, of all or any part of the community, and the provision of such residential, commercial, industrial, public or other spaces and such public facilities and structures as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them. The corporation may also provide for the replanning or redesigning or original development of undeveloped areas.

SEC. 55. The corporation may take, acquire, hold, use and dispose of property of every kind within the community necessary, expedient, or advantageous to the full exercise and economic enjoyment of its purposes and powers.

SEC. 56. The corporation has and may exercise, within the boundaries of the community, the right of eminent domain in the manner provided by law for the condemnation of private property for public use by the state or any political subdivision or district thereof. The provisions of Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure shall apply. The corporation has the same rights and powers with respect to the taking of property for the public uses of the community within its boundaries as are now or may hereafter be conferred by general law on the legislative body of a city, including the right of eminent domain for the purposes and uses set forth in Article 5 (commencing with Section 40) of this act, which are hereby declared to be public uses.

SEC. 57. The corporation may make and accept contracts, deeds, releases, and documents that, in the judgment of the board of directors, are necessary or proper in the exercise of any of the powers of the corporation.

SEC. 58. The corporation may cooperate and contract with the city, the county, the federal government, and with the state, or with any other city, county, district, agency, commission, or other public body, or with any person, for the joint acquisition, construction, maintenance, operation, management, or use or aid in connection with any of the activities regarding facilities or property which the corporation has the power to acquire or construct under this act.

Such power of cooperation includes, without limiting the generality of the foregoing, the power to negotiate and enter into and assist others in the negotiation and execution of land assembly agreements, with the land to be administered in trust for the benefit of participating landowners, for the purpose of facilitating the implementation of the community plan.

SEC. 59. The corporation is a public agency within the meaning of Section 6500 of the Government Code and may exercise any or all of its powers jointly with the city, county or any other public agency or agencies under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code. Any agency, commission or board provided by a joint powers agreement under this section may issue revenue bonds to pay the costs and expenses of acquiring or constructing a project for the purposes set forth in

subdivision (d) of Section 6546 of the Government Code, without regard to the population limitations therein set forth.

SEC. 60. For the purpose of aiding and cooperating in the land assembly, planning, undertaking, construction or operation of community development or redevelopment projects located within the area in which it is authorized to act, any public body, including without limitation the city and county, upon the terms as it determines, may:

(a) Dedicate, sell, convey or lease any of its property to the corporation.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished within, or adjacent to, or in connection with, community projects.

(c) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the federal government, the corporation, or any other public body or with any person respecting action to be taken pursuant to any of the powers granted by this act or any other law; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of the corporation and exercise all of the rights of any holder of such bonds.

(g) Purchase and buy or otherwise acquire land from the corporation for development or redevelopment in accordance with the plan.

SEC. 61. The corporation may guarantee the performance of any of its transactions, including the payment of local improvement bonds issued pursuant to any general law.

SEC. 62. The corporation may refund or retire any public indebtedness or lien that may exist or be created against the corporation or community or any property in the community which shall have arisen out of the transaction of the affairs of the corporation.

SEC. 63. The corporation may incur indebtedness and issue bonds in the manner provided in this act.

SEC. 64. The corporation may issue checks or warrants in payment of corporation's obligations. The warrants shall be registrable as provided for county warrants when not paid for want of funds. Claims for money or damages against the corporation are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, except as provided herein.

SEC. 65. The corporation may cause special assessments to be levied and collected and may issue bonds to represent unpaid assessments on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of local

improvements.

SEC. 66. The corporation may contract for the services of such engineers, attorneys, and other consultants and may appoint, employ, and fix the compensation of such personnel and employees as it deems proper.

SEC. 67. The corporation may obtain insurance in such form and in such amounts as the board of directors may deem necessary for the adequate protection of the corporation's property, officers, agents, employees and interests.

SEC. 68. The corporation may, from time to time, prepare and carry out plans for the improvements, rehabilitation, development and redevelopment of the community, and disseminate information with regard thereto.

SEC. 69. All contracts made by the corporation for the construction of any public improvements shall be let and entered into in the same manner as contracts are let and entered into by the city pursuant to its charter.

Article 7. Plans

SEC. 80. The community board shall prepare, or cause to be prepared, a plan or plans for all or any part or parts of the community. The community board shall consult with the board of directors and with the city planning commission in preparing any such plan. The community board shall approve any plan by resolution.

SEC. 81. Any plan shall conform to the general plan of the city and to all applicable city laws.

SEC. 82. Any plan shall show by diagram and in general terms the nature of the proposed development and redevelopment; shall contain a legal description of the boundaries of the area covered and shall show by diagram and in general terms: (a) the approximate amount of open spaces to be provided and street layout, (b) limitations on size, type, height, number and proposed use of buildings, (c) the approximate number of dwelling units, and (d) the property to be devoted to public purposes and the kind of such purposes; and shall generally describe the proposed method of financing, including estimates of total project costs, revenues and proposed bond issues.

SEC. 83. Any plan shall provide for the retention of controls and the establishment of any restrictions or covenants running with lands sold or leased for private use for such periods of time and under such conditions as the board deems necessary to effectuate the purposes of this act. The establishment of such controls is a public purpose under the provisions of this act.

SEC. 85. Upon approval of a plan or plans, the community board shall submit the plan or plans to the board of directors. Upon receipt of a plan adopted by the community board, the board or directors shall immediately submit such plan to the city planning commission

for its recommendation for or against approval of the plan. Within 30 days after the plan has been submitted to it for consideration, the city planning commission shall make and file its report and recommendation with the board of directors. If the city planning commission does not report upon the plan within 30 days after its submission by the board of directors, the city planning commission shall be deemed to have waived its report and recommendation concerning the plan and the board of directors may thereafter approve and adopt the plan proposed by the community board.

SEC. 86. Before the approval and adoption of any plan by the board of directors, the board of directors shall conduct a public hearing on it.

SEC. 87. Notice of the hearing shall be published in a newspaper of general circulation, printed and published in the city, pursuant to Section 6066 of the Government Code. The notice of hearing shall include a general statement of the scope and objectives of the plan, and a statement of the time and place at which the hearing will be held. Copies of the notices shall be mailed, postage prepaid, to the last-known owner of each parcel of land in the community, at his last-known address, as shown on the last equalized assessment roll of the county or as known to the secretary, and to the address of any resident of the community who requests such notice and files his name and address with the City Clerk of the City of San Jose. The failure to give or receive any notice required by this section shall not be a ground for invalidating any action taken at the hearing or any continuation thereof, including, but not limited to, the adoption and approval of a plan, or any change or amendment thereto.

SEC. 88. The hearing shall be held at the time and place set forth in the notice. The board of directors shall hear and consider all competent and relevant testimony submitted by any person interested. Any person interested and objecting to the plan may file a written protest with the secretary at any time prior to the time fixed for the hearing, and the board of directors shall consider all written and oral protests.

SEC. 89. The board of directors' decision on the protests shall be final and conclusive.

SEC. 90. Any protest filed may be abandoned and withdrawn by written notice of such abandonment or withdrawal signed by the person who signed the protest and filed with the secretary at any time prior to the conclusion of the hearing.

SEC. 91. The hearing may be continued from time to time at the discretion of the board of directors.

SEC. 92. At the conclusion of the hearing, after ruling on all protests and objections, the board of directors may approve and adopt the plan by resolution. The plan adopted by the board of directors shall be the plan prepared and submitted by the community board; provided, however, that the board of directors may make changes in or amend the plan submitted by the community board by resolution adopted by two-thirds of its

members. The resolution shall set forth the findings and determinations of the board of directors which shall be conclusive in the absence of fraud.

SEC. 93. At any time, either concurrently with or after the approval of the plan, the board of directors may make changes therein, after notice of intention to do so, given by publication in the same newspaper in which the original notice of hearing was published, pursuant to Section 6061 of the Government Code; provided, however, that any changes in the plan made by the board of directors shall be made by resolution adopted by two-thirds of its members. Copies of such notice shall be mailed to the city planning commission and to the community board and to those to whom notice is required to be mailed pursuant to Section 87. The notice shall specify a time and place for hearing objections to the proposed changes, which shall not be less than 10 days after the publication and mailing of the notice.

SEC. 94. Written objections to any proposed change may be filed with the secretary by any interested person, or by the city planning commission, or the community board at any time prior to the hour set for hearing them.

SEC. 95. The board of directors shall hear and pass upon objections to proposed changes at the time appointed or at any time to which the hearing may be adjourned. This decision shall be final. Any changes described in the notice may be ordered by the board, by resolution, at the conclusion of the hearing, after ruling on any protests and objections.

SEC. 96. After the adoption of a plan by the board of directors, all applicants for building permits in the community for a period of two years thereafter shall be advised by the building department of the city that the site for which a building permit is sought for the construction of buildings or for other improvements is within a plan area.

SEC. 97. No action attacking or otherwise questioning the validity of the corporation and its organization or any plan or the adoption or approval of such plan or any of the findings or determinations of the board of directors in connection with such plan shall be brought prior to the adoption of the resolution approving the plan nor at any time after the elapse of 30 days from and after the date of adoption of the resolution approving the plan. No action attacking or otherwise questioning the validity of any changes in the plan shall be brought after the elapse of 60 days from and after the date of adoption of the resolution ordering such changes.

SEC. 98. At any time before the expiration of such 60-day period, an action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the plan to be financed or refinanced, in whole or in part, by the bonds or to determine the validity of any plan not financed by bonds, including without limiting the generality of the foregoing, the legality and validity of all

proceedings theretofore taken for or in any way connected with the establishment of the corporation, its authority to transact business and exercise its powers, and the adoption of or making changes in the plan, also including the legality and validity of all proceedings theretofore taken and proposed to be taken for the authorization, issuance, sale and delivery of the bonds and for the payment of the principal and interest thereof.

SEC. 99. After a plan shall have been approved and adopted pursuant to the provisions of this article, the board of directors may do all things legally within its power to implement the same; provided, however, that the board of directors shall not undertake any of the following, unless and until the community board has been informed of the proposed undertaking and has submitted its recommendations to the board of directors as provided in this section:

- (a) Acquire any real property by purchase or eminent domain;
- (b) Sell or otherwise dispose of any real property;
- (c) Award any contract for the improvement of real property;
- (d) Issue any corporation bonds;
- (e) Apply for federal financial assistance; or
- (f) Undertake any proceedings pursuant to any of the acts mentioned in Article 8 (commencing with Section 100).

If the board of directors proposes to undertake any of the actions mentioned in this section in subdivisions (a) to (f), inclusive, the board of directors shall, prior to taking any such action, submit to the community board a description of the proposed action. The community board shall have 30 days after receipt of notice of the proposed action within which to review and submit its recommendations to the board of directors. If the community board fails to submit its recommendations with the board of directors within the 30 days, the community board shall have been deemed to have waived its right to make recommendations on the proposed action.

The board of directors may overrule any recommendations made by the community board pursuant to this section by two-thirds vote of its members.

Article 8. Special Assessment Proceedings

SEC. 100. The Municipal Improvement Act of 1913, the Improvement Act of 1911, the Street Opening Act of 1903, the Improvement Bond Act of 1915, the Revenue Bond Law of 1941, and the Sewer Revenue Bond Act of 1933, Chapter 5 (commencing with Section 4950) of Part 3 of Division 5 of the Health and Safety Code are applicable to the corporation and the community; provided, however, that Division 4 (commencing with Section 2800) of the Streets and Highways Code shall not apply to any of such special assessment proceedings. No proceedings under any of such acts shall be undertaken in any unincorporated portions of the county without

the prior consent of the board of supervisors, expressed by resolution.

Article 9. Financial Provisions

SEC. 110. The corporation's debts, liabilities and obligations shall not be the debts, liabilities or obligations of the city.

SEC. 111. The corporation may accept financial or other assistance from any public or private source, for the corporation's activities, powers and duties and expend any funds so received for any of the purposes of this act.

SEC. 112. The corporation may borrow money or accept financial or other assistance from the city, county, state or federal government for any project within the community, and may comply with any conditions of such loan or grant.

SEC. 113. The corporation may borrow money, by issuance of bonds or otherwise, or accept financial or other assistance from any private lending institution or person for any project for any of the purposes of this act, and may execute trust deeds or mortgages on any real or personal property owned or acquired.

SEC. 114. The corporation may invest any money held in reserve or sinking funds, or any money not required for immediate disbursement, in property or securities in which savings banks may legally invest money subject to their control.

SEC. 115. The council may appropriate to the corporation such amounts as it deems necessary for administrative expenses of the corporation. The money appropriated may be paid to the corporation as a grant to defray said expenses, or as a loan to be repaid upon terms and conditions as the council may provide.

In addition to the common understanding and usual interpretation of the term, "administrative expense" includes, but is not limited to, corporation officers and employees compensation, expenses of development and redevelopment planning and dissemination of development and redevelopment information.

SEC. 116. The corporation shall annually submit to the council, a proposed budget of its administrative expenses.

SEC. 117. The council may adopt an annual budget for the administrative expenses of the corporation in such amounts as it deems necessary and may provide such conditions and restrictions upon the expenditure or encumbrance of the money appropriated pursuant to the budget as it deems advisable.

SEC. 118. The money appropriated for administrative expenses shall be kept in the treasury of the city in a special fund to be known as the Alviso administrative fund. Any money shall be drawn from the fund to meet the administrative expenses of the corporation in substantially the same manner as money is drawn by other agencies and departments of the city subject to budgetary control.

SEC. 119. The money appropriated to the Alviso administrative fund is money granted or loaned by the city to defray the administrative expenses of the corporation which is performing a

public function.

SEC. 120. The corporation shall file periodic reports of all its financial transactions, pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code and shall cause to be prepared an annual audit of its transactions by a certified public accountant.

SEC. 121. The council may establish an Alviso revolving fund to be kept in the treasury of the city.

SEC. 122. For the purpose of raising money to be deposited in the Alviso revolving fund, the council may appropriate money or issue and sell its general obligation or other bonds.

SEC. 123. Any money in the Alviso revolving fund may be expended from time to time for:

(a) The acquisition of real property in any project area for which a plan has been adopted.

(b) The clearance, aiding in relocation of site occupants, and preparation of any project area for which a plan has been adopted for development and redevelopment.

Such expenditure shall be authorized by resolution of the council.

SEC. 124. Any money in the Alviso revolving fund may be paid to the corporation, upon such terms and conditions as may be prescribed in the authorizing resolution hereinafter referred to, for any of the following purposes:

(a) Deposit in a trust fund to be expended for the acquisition of real property in any project area for which a plan has been adopted.

(b) The clearance of any project area for which a plan has been adopted for development or redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a plan which has been adopted by the corporation.

Such payment to the corporation shall be authorized by resolution of the council.

SEC. 125. All money received by the corporation from the sale, lease or encumbrance of property acquired with money from the Alviso revolving fund in excess of the money required to repay the loans and interest thereon authorized by this act shall be redeposited in the Alviso revolving fund.

SEC. 126. The Alviso revolving fund may be abolished by the council whenever it deems such action to be for the best interests of the city.

SEC. 127. The council may withdraw money which it has appropriated from the Alviso revolving fund whenever and to the extent that it finds such to be for the best interests of the city. All money withdrawn from the Alviso revolving fund, and all money which would have been required to be deposited or redeposited in such fund, shall be transferred to the bond redemption fund or to the general fund of the city, as directed by the council.

SEC. 128. The city may issue and sell its general obligation or other bonds for any or all of the following purposes: raising money to be deposited in the Alviso revolving fund or providing funds with

which to redeem before maturity, retire at maturity or purchase bonds issued under Article 10 (commencing with Section 132) of this act. Bonds issued pursuant to this section may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The estimated amount of money to be raised to be deposited in the Alviso revolving fund.

(b) The principal amount of corporation bonds proposed to be so redeemed, retired or purchased.

(c) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such corporation bonds.

(d) The estimated amount of any due and unpaid interest or accrued interest on such corporation bonds which must be paid at the time the same are redeemed, retired or purchased.

SEC. 129. Any surplus existing in the city bond redemption fund after payment of principal and interest shall be transferred to the general fund of the city.

SEC. 130. Except as otherwise provided in this article, any bonds issued by the city pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the city for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued, the city may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the city at any general or special election.

Article 10. Bonds

SEC. 132. From time to time, the corporation may issue bonds for any of its corporate purposes, including bonds the income from which is not exempt from state and federal taxation. In no event shall bonds issued by the corporation constitute a debt, liability or obligation of the city and every bond so issued shall so recite. The corporation may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

SEC. 133. The corporation may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the development or redevelopment projects, together with financial assistance from the state or federal government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated projects whether or not they were financed, in whole or in part, with the proceeds of the bonds.

(c) From its revenues generally.

(d) From any contributions or other financial assistance from the city, county, the state or federal government or any person.

(e) Any combination of these methods.

If the bonds are issued under any of the acts specified in Article 8 (commencing with Section 100) of this act, the procedures and requirements of those acts shall apply.

SEC. 134. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust or otherwise of any project or other property of the corporation or by a pledge of the taxes referred to in subdivision (c) of Section 133 of this act or by any combination thereof.

SEC. 135. Neither the members of the community nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

SEC. 136. The corporation may authorize bonds by resolution. The resolution and trust indenture or mortgage issued pursuant thereto may provide for:

- (a) The issuance of the bonds in one or more series.
- (b) The date the bonds shall bear.
- (c) The maturity dates of the bonds.
- (d) The interest rate, not to exceed 8 percent per annum.
- (e) The denomination of the bonds.
- (f) Their form, either coupon or registered.
- (g) The conversion or registration privileges carried by the bonds.
- (h) The rank or priority of the bonds.
- (i) The manner of their execution.
- (j) The medium of payment.
- (k) The place of payment.
- (l) The terms of redemption with or without premium to which the bonds are subject.

SEC. 137. The bonds may be sold at less than par, at public or private sale.

SEC. 138. If any corporation officer whose signature appears on bonds or coupons ceases to be such officer before delivery of the bonds, his signature is as effective as if he had remained in office.

SEC. 139. Bonds issued pursuant to this act are fully negotiable.

SEC. 140. In any action or proceeding involving the validity or enforceability of any bonds or their security, any such bond reciting, in substance, that it has been issued by the corporation to aid in financing a project is conclusively deemed to have been issued for such a project and the project is conclusively deemed to have been planned, located, and constructed pursuant to this act.

SEC. 141. In connection with the issuance of bonds, and in addition to its other powers, the corporation has the powers prescribed in Sections 142 to 151 of this act, inclusive.

SEC. 142. The corporation may:

- (a) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.
- (b) Encumber by mortgage, deed of trust or otherwise all or any part of its real or personal property, then owned or thereafter acquired.

SEC. 143. The corporation may covenant:

- (a) Against pledging all or any part of its rents, fees, and revenues.
- (b) Against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence.
- (c) Against permitting any lien on such revenues or property.
- (d) With respect to limitations on its right to sell, lease or otherwise dispose of all or part of any project.
- (e) As to what other or additional debts or obligations it may incur.

SEC. 144. The corporation may:

- (a) Covenant as to the bonds to be issued, as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the bonds proceeds.
- (b) Provide for the replacement of lost, destroyed or mutilated bonds.
- (c) Covenant against extending the time for the payment of its bonds or interest.
- (d) Redeem the bonds, covenant for their redemption and provide the redemption terms and conditions.

SEC. 145. The corporation may:

- (a) Covenant as to the consideration or rents and fees to be charged in the sale or lease of a project, the amount to be raised each year or other period of time by rents, fees, and other revenues, and as to their use and disposition.
- (b) Create or authorize the creation of special funds for money held for development or redevelopment of a project or other costs, debt service, reserves or other purposes, and covenant as to the use and disposition of such money.

SEC. 146. The corporation may prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent thereto, and the manner in which such consent may be given.

SEC. 147. The corporation may covenant:

- (a) As to the use of any or all of its real or personal property.
- (b) As to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

SEC. 148. The corporation may:

- (a) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (b) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 149. The corporation may:

- (a) Vest in a trustee or the holders of bonds or any proportion of

them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(b) Vest in a trustee the right, in the event of a default by the corporation, to take possession of all or part of any project, to collect the rents and revenues arising from it and to dispose of such money pursuant to the agreement of the corporation with the trustee.

(c) Provide for the powers and duties of a trustee and limit his liabilities.

(d) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

SEC. 150. By its resolution, trust indenture, mortgage, lease, or other contract, the corporation may confer upon any obligee holding or representing a specified amount in bonds, the following rights upon the happening of an event of default prescribed in such resolution or instrument, to be exercised by suit, action, or proceeding in any court of competent jurisdiction:

(a) To cause possession of all or part of any project to be surrendered to any such obligee.

(b) To obtain the appointment of a receiver of all or part of any project of the corporation and of the rents and profits from it. If a receiver is appointed, he may enter and take possession of the project or any part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and shall keep such money in separate accounts and apply it pursuant to the obligations of the corporation as the court shall direct.

(c) To require the corporation to account as if it were the trustee of an express trust.

SEC. 151. The corporation may:

(a) Exercise all or any part or combination of the powers granted in Sections 142 to 150 of this act, inclusive.

(b) Make covenants other than, and in addition to, the covenants expressly authorized in such sections of like or different character.

(c) Make such covenants and do any and all such acts and things as may be necessary, convenient or desirable to secure its bonds, or, except as otherwise provided in this act, as will tend to make the bonds more marketable notwithstanding that such covenants, acts, or things may not be enumerated in this act.

SEC. 152. The bonds are issued for an essential public and governmental purpose, and together with interest on them and income from them are exempt from all taxes; provided, however, that the corporation may issue bonds, the income from which is not exempt from state and federal taxation.

SEC. 153. Notwithstanding any restrictions on investments contained in any laws, the state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on banking business, all

insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, money or other funds belonging to them or within their control in any bonds or other obligations issued by the corporation. Such bonds and other obligations are authorized security for all public deposits. It is one of the purposes of this act to authorize any persons, public agencies, political subdivisions, bodies and officers, public and private, to use any funds owned or controlled by them including, but not limited to, sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations. This act does not relieve any person, public agency, political subdivision, body or officer from any duty of exercising reasonable care in selecting securities.

SEC. 154. The corporation may purchase its bonds at prices offered. All bonds so purchased shall be canceled.

SEC. 155. Loans, advances, bonds or other obligations issued or incurred by the corporation shall not constitute a debt, liability or obligation of any of the taxing agencies, and every document evidencing such loans, advances, bonds or obligations shall substantially so recite.

SEC. 156. Whenever property in the community is leased by the corporation to any private person or persons, or whenever the corporation leases real property to any private person or persons for development or redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the private lessee shall pay taxes upon the assessed value of the entire property and not merely the assessed value of his or its leasehold interest.

Article 11. Miscellaneous

SEC. 170. Nothing contained herein shall be deemed to limit city's power to act in the community, and the city shall have the same power to act in the community as it had before this act.

SEC. 171. Any and all actions taken by the corporation shall be in accordance with all applicable city laws, ordinances, resolutions, rules and regulations.

SEC. 172. If a plan is not approved by the board of directors within seven years from and after the effective date of the ordinance of the city declaring that there is a need for the corporation to function in the community, the council may at any time thereafter, by ordinance, find and declare that there is no longer any need for the corporation to function in the community except for the purpose of carrying out any obligations which corporation may have theretofore incurred; and in the event the council should so find and declare, the corporation shall thereafter have no authority to transact any business or exercise any powers under this act except to the

extent that such may be necessary to carry out and satisfy any debts, liabilities and obligations incurred by the corporation before the effective date of the ordinance making such finding and declaration.

If a plan is approved by the board of directors within seven years from and after the effective date of the ordinance of the city declaring that there is a need for the corporation to function in the community, the council may, at any time after seven years have elapsed from the date of approval of such plan by the board of directors, by ordinance, find and declare that there is no longer any need for the corporation to function in the community, except for the purpose of carrying out any obligations which the corporation may have theretofore incurred; and in the event the council should so find and declare, the corporation shall thereafter have no authority to transact any business or exercise any powers under this act, except to the extent that such may be necessary to carry out and satisfy any debts, liabilities, and obligations incurred by the corporation before the effective date of the ordinance making such finding and declaration.

SEC. 173. Nothing in this act shall be construed to authorize the corporation to engage in the business of owning or operating a gas or electric utility system.

CHAPTER 1097

An act to amend Section 73121 of the Government Code, relating to courts.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 73121 of the Government Code is amended to read:

73121. By majority vote, the council of presiding judges may appoint a court commissioner who shall meet the qualifications and have the powers and duties specified in Sections 72190 and 72190.1 of this code, and Sections 259 and 259a of the Code of Civil Procedure. Any commissioner so appointed shall also have the power and duties of, a traffic referee as provided in Article 9 (commencing with Section 72400) of Chapter 8 of Title 8. The salary of the commissioner for all duties performed pursuant to this section shall be equal to 65 percent of the salary of a judge of the municipal court.

CHAPTER 1098

An act to amend Sections 20013, 20014, 20017.5, 20017.6, 20017.7, 20017.75, 20017.76, 20017.77, 20017.8, 20017.9, 20602.92, 20605, 20612, 20750.3, 20803.7, 20950, 20980.5, 21022, 21252.1, 21252.6, 21263.1, 21290.5, 21292.5, 21293, 21295, and 21363 of, to add Sections 20604, 21252.7, 21252.8, 21252.9, 21252.95 and 21363.5 to, and to repeal Sections 20013.5, 20014.4, 20014.5, 20014.6, 20014.7, 20014.9, 20604, 20750.36, 20750.37, 20750.4, 20750.41, 20750.42, 20750.425, 20750.435, 20803.5, 20803.6, 20980.6, 20980.7, 21020.5, 21020.6, 21020.75, 21022.1, 21208, 21209, 21252.10, 21252.2, 21252.3, 21252.4, 21252.9, 21290.6, 21290.75, 21292.75, 21293.6, 21293.7, 21293.8, 21363.4, 21363.5, 21363.75, 21364.75, 21364.8, and 21364.9 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20013 of the Government Code is amended to read:

20013. (a) "Member" means any person included in the membership of this system, and includes state members and local members.

(b) "State member" includes:

- (1) State miscellaneous members.
- (2) University members.
- (3) Prison members.
- (4) Patrol members.
- (5) State safety members.

(c) "Local member" includes:

- (1) Local miscellaneous members.
- (2) Local safety members.
- (3) School members.

SEC. 2. Section 20013.5 of the Government Code is repealed.

SEC. 3. Section 20014 of the Government Code is amended to read:

20014. "State miscellaneous member" includes all members employed by the state and university, except patrol and state safety members.

SEC. 4. Section 20014.4 of the Government Code is repealed.

SEC. 5. Section 20014.5 of the Government Code is repealed.

SEC. 6. Section 20014.6 of the Government Code is repealed.

SEC. 7. Section 20014.7 of the Government Code is repealed.

SEC. 8. Section 20014.9 of the Government Code is repealed.

SEC. 9. Section 20017.5 of the Government Code is amended to read:

20017.5. "State safety member," includes persons employed in the Department of Fish and Game in connection with its warden

service, whose principal duties consist of active law enforcement service, including immediate supervision by persons employed to perform the duties now performed under the titles of chief and assistant chief of warden service, and captain of patrol boats, except those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, assistant fish and game warden, or otherwise clearly do not fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.

SEC. 10. Section 20017.6 of the Government Code is amended to read:

20017.6. "State safety member" also includes members employed in the Division of Forestry, Department of Conservation, whose principal duties consist of active fire suppression or supervision including, but not limited to, members employed to perform duties now performed under the following titles: State Forester; all classes of rangers; all classes of deputy state forester; all classes of fire prevention and law enforcement officers; all classes of foresters; fire captain; all classes of fire crew foreman; all classes of forestry trainees; all classes of forestry equipment and civil engineers; forestry superintendent, conservation camps; fire apparatus engineer; fireman, C.D.F.; firefighter (seasonal); equipment maintenance foreman; heavy fire equipment operator; provided however that forestry members shall not include members employed in classes other than those set forth in this section whose principal duties are clerical or such as otherwise clearly do not fall within the scope of active fire suppression.

SEC. 11. Section 20017.7 of the Government Code is amended to read:

20017.7. "State safety member" also includes persons employed in the Division of Narcotic Enforcement in the Department of Justice, whose principal duties consist of active law enforcement, including persons employed to perform the duties now performed under the titles of chief of bureau, assistant chief of bureau, supervising narcotic agent, narcotic field supervisor, senior narcotic agent, narcotic pharmacist-agent, narcotic chemist-agent, narcotic agent, narcotic-specialist agent, and narcotic agent-trainee, but excluding those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement. Any employee of the division who is eligible for law enforcement membership on September 30, 1965, shall have the right to elect not to accept law enforcement membership. If such an election is made the member shall remain subject to the provisions governing narcotic enforcement members in effect as of June 1, 1965. A member shall be conclusively presumed to have accepted law enforcement membership unless he states in writing to the board

within 90 days after the board's mailing to him notice of his right of election that he has elected not to become a law enforcement member.

SEC. 12. Section 20017.75 of the Government Code is amended to read:

20017.75. "State safety member" also means (a) those persons employed in the Bureau of Criminal Identification and Investigation, whose principal duties consist of active law enforcement and who are peace officers as defined in Section 830.3 of the Penal Code, but excluding clerical personnel or those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement and (b) the members of the California State Police Division who are peace officers as defined in Section 830.2 of the Penal Code and whose principal duties consist of active law enforcement, but excluding clerical personnel or those whose principal duties are that of telephone operator, machinist, mechanic, security officer or otherwise clearly not within the scope of active law enforcement, even though the person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

SEC. 13. Section 20017.76 of the Government Code, as amended by Chapter 1089, Statutes of 1971, is amended to read:

20017.76. "State safety member" shall also include those persons while employed by the San Francisco Port Authority prior to their transfer to the San Francisco Port Commission whose principal duties consisted of active law enforcement and who were peace officers, as defined in Section 830.35 of the Penal Code, but excluding any person whose principal duties did not clearly fall within the scope of active law enforcement even though such person is subject to occasional call, or is called upon occasionally, to perform duties within the scope of active law enforcement.

SEC. 14. Section 20017.77 of the Government Code, as amended by Chapter 1331, Statutes of 1971, is amended to read:

20017.77. "State safety member" shall also include officers and employees in (a) the Department of Corrections employed to perform the duties now performed in positions with the following class titles: Director of Corrections; Deputy Director, Department of Corrections; Deputy Director, Institutions, Camps and Program Services Division; Deputy Director, Parole and Community Services; warden; Warden—San Quentin; superintendent II and III, Department of Corrections; deputy superintendent; correctional administrator; program administrator, correctional institution; all classes of correctional program supervisor; correctional captain, correctional lieutenant, correctional sergeant; correctional officer; all classes of women's correctional supervisor; Assistant Deputy Director, Parole and Community Services; all classes of parole

administrator, adult parole; all classes of parole agent, adult parole; Assistant Director, Investigations and Law Enforcement Liaison; senior special agent; special agent; all classes of women's parole agent; medical facility superintendent; Superintendent, California Institution for Women, and (b) the Department of the Youth Authority employed to perform the duties now performed in positions with the following class titles: Director, Department of the Youth Authority; Chief, Division of Parole and Community Services; Deputy Chief, Division of Parole and Community Services; program administrator, correctional school; assistant superintendent, correctional school; all classes of superintendent, correctional school; Youth Authority camp superintendent; assistant superintendent, Youth Authority camp; Chief, Division of Institutions; treatment team supervisor; all classes of transportation officers, Youth Authority; security officer; all classes of group supervisors; all classes of parole agent, Youth Authority; all classes of youth counselor; supervisor community treatment programs; correctional casework training supervisor; correctional casework trainee.

SEC. 15. Section 20017.8 of the Government Code is amended to read:

20017.8. "State safety member" also includes persons employed by the state to perform lifeguard services and whose principal duties consist of active protection, rescue, and rendition of aid or assistance to persons injured or imperiled at beaches and lakes, streams, dams, reservoirs, or other bodies of open water, but not including swimming pools, and including members employed to perform duties now performed under the titles of "district aquatic supervisor," "lifeguard supervisor," and "lifeguard" or equivalent successor classes, other than persons employed under such titles on a seasonal basis, but excluding clerical, maintenance personnel, and others who do not fall within the scope of active lifeguarding or lifesaving services as described in this section even though such persons are subject to occasional call or are occasionally called upon to perform duties within the scope of active lifeguarding or lifesaving.

SEC. 16. Section 20017.9 of the Government Code, as amended by Chapter 331, Statutes of 1971, is amended to read:

20017.9. "State safety member" shall also include persons employed to perform full-time active firefighting duties performed on the effective date of this section under the titles of "institution fire chief" and "institution fireman" by state agencies other than the Division of Forestry of the Department of Conservation.

SEC 17. Section 20602.92 of the Government Code is amended to read:

20602.92. Whenever a person becomes a state safety member as a result of an amendment to this part defining state safety member, the rate of contributions provided for state safety members shall apply only to compensation paid such person for service on and after the effective date of such amendment.

SEC. 18. Section 20604 of the Government Code is repealed.

SEC. 19. Section 20604 is added to the Government Code, to read:

20604. The normal rate of contribution of a state safety member who is not subject to Section 21252.6 is the rate of contribution under this part as it read and applied to him as a forestry, warden, or law enforcement member on the day preceding the operative date of this section.

SEC. 20. Section 20605 of the Government Code, as amended by Chapter 96, Statutes of 1971, is amended to read:

20605. For each member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 7 percent of compensation paid on and after such operative date.

The normal rate of contribution as established under this section for a member whose service is included in the federal system shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400) per month for service rendered after the date of execution of the modification of the federal-state agreement, including such services in the federal system and prior to termination of his coverage under the federal system.

The operative date of this section with respect to a local safety member shall be the date upon which he becomes subject to Section 21252.6.

SEC. 21. Section 20612 of the Government Code, as amended by Chapter 1657, Statutes of 1971, is amended to read:

20612. The normal rate of contribution otherwise established under this article for a member whose retirement allowance is determined under Section 21252.01 or 21252.1, and reduced under Section 21252.45 because his service is included in the federal system, shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400) for services rendered in any month after the date of execution of the modification of the federal-state agreement, including such services in the federal system, or the effective date of the contract or contract amendment pursuant to which a contracting agency and its employees become subject to this section, whichever is later, and prior to the date upon which services of persons in his employment cease to be covered under the federal system.

SEC. 22. Section 20750.3 of the Government Code, as amended by Chapter 170, Statutes of 1971, is amended to read:

20750.3. An employer's contribution to the retirement fund in respect to state safety members is a sum equal to 15.10 percent of the compensation paid state safety members employed by such employer.

SEC. 23. Section 20750.36 of the Government Code, as amended by Chapter 1617, Statutes of 1971, is repealed.

SEC. 24. Section 20750.37 of the Government Code is repealed.

SEC. 25. Section 20750.4 of the Government Code, as amended

by Chapter 170, Statutes of 1971, is repealed.

SEC. 26. Section 20750.41 of the Government Code, as amended by Chapter 1617, Statutes of 1971, is repealed.

SEC. 27. Section 20750.42 of the Government Code, as amended by Chapter 170, Statutes of 1971, is repealed.

SEC. 28. Section 20750.425 of the Government Code, as amended by Chapter 1617, Statutes of 1971, is repealed.

SEC. 29. Section 20750.435 of the Government Code, as amended by Chapter 1657, Statutes of 1971, is repealed.

SEC. 30. Section 20803.5 of the Government Code is repealed.

SEC. 31. Section 20803.6 of the Government Code, as amended by Chapter 1773, Statutes of 1971, is repealed.

SEC. 32. Section 20803.7 of the Government Code is amended to read:

20803.7. "State safety service" means service rendered as a state safety member only while receiving compensation for such service, except as provided in Article 4 (commencing with Section 20890) of this chapter. It also includes service rendered in an employment in which persons have since become state safety members and service rendered prior to the effective date of the amendment to this section at the 1972 Regular Session and falling within the definition of warden, forestry, and law enforcement service under this chapter prior to such amendment.

SEC. 33. Section 20950 of the Government Code, as amended by Chapter 170, Statutes of 1971, is amended to read:

20950. A patrol or state safety member shall be retired for service upon his written application to the board if he has attained age 50 and is credited with five years of state service.

SEC. 34. Section 20980.5 of the Government Code is amended to read:

20980.5. Every state safety member shall be retired on the first day of the calendar month succeeding that in which he attains age 65. Every member who has attained age 65 when he becomes a state safety member shall be retired on the first day of the following month.

SEC. 35. Section 20980.6 of the Government Code is repealed.

SEC. 36. Section 20980.7 of the Government Code is repealed.

SEC. 37. Section 21020.5 of the Government Code is repealed.

SEC. 38. Section 21020.6 of the Government Code is repealed.

SEC. 39. Section 21020.75 of the Government Code is repealed.

SEC. 40. Section 21022 of the Government Code, as amended by Chapter 170, Statutes of 1971, is amended to read:

21022. Any patrol, state safety member, or local safety member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

SEC. 41. Section 21022.1 of the Government Code is repealed.

SEC. 42. Section 21208 of the Government Code is repealed.

SEC. 43. Section 21209 of the Government Code is repealed.

SEC. 44. Section 21252.1 of the Government Code, as amended by Chapter 96, Statutes of 1971, is amended to read:

21252.1. The combined prior and current service pensions for patrol members and local safety members, other than local safety members to whom Section 21252.01, 21252.5, or 21252.6 applies, upon retirement at or after age 55 is a pension derived from contributions of the employer which, when added to that portion of the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal a percentage of his final compensation, multiplied by the number of years of patrol, fire, police, or county peace officer service, such percentage to be $2\frac{1}{2}$ or, if less, the percentage obtained by division of 50 percent by the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into any service to which this section, Section 21252.10, or 21252.2 of this part prior to the repeal of such sections at the 1972 Regular Session applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. Any member entering such service at or after age 55 shall be deemed, for purposes of this section, to have entered such service at age 54.

The amendment to this section at the 1968 Regular Session shall apply only to such members retiring on and after the effective date of the amendment. Current and prior service pensions of such members retired prior to the effective date shall be continued in accordance with the provisions of this part (commencing with Section 20000) as they existed on the day preceding the effective date.

This section shall not apply to any local safety member in the employ of an employer not subject to this section on the effective date of the amendment to this section at the 1971 Regular Session of the Legislature.

SEC. 45. Section 21252.10 of the Government Code, as amended by Chapter 1657, Statutes of 1971, is repealed.

SEC. 46. Section 21252.2 of the Government Code is repealed.

SEC. 47. Section 21252.3 of the Government Code is repealed.

SEC. 48. Section 21252.4 of the Government Code is repealed.

SEC. 49. Section 21252.6 of the Government Code, as amended by Chapter 1452, Statutes of 1971, is amended to read:

21252.6. The combined prior and current service pension for a state safety member, and a local safety member with respect to service to a contracting agency subject to this section, upon retirement after attaining age 55, is a pension derived from contributions of an employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of state safety, police, fire, or county peace officer service which is credited to him as a state safety member or

a local safety member subject to this section at retirement. Notwithstanding the preceding sentence, this section shall apply to the current and prior service pension for any other state safety member based on service to which it would have applied had the member, on July 1, 1971, been in employment described in Section 20017.77 of this code.

In no event shall the total pension for all service under this section exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed such maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to such employer bears to the total allowance computed as though there were no limit, so that the total of such pensions shall equal the maximum.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of service in which he is subject to this section.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

The percentage of final compensation provided in this section shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system. This paragraph shall not apply to a member who retires after the date upon which coverage under the federal system of persons in his employment terminates.

This section shall not apply to a contracting agency nor its employees unless and until the agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his employer's contract electing to be subject to this section.

Upon such election by a contracting agency subject to Section 21252.1, this section shall not apply to a local safety member then employed who entered such employment after attaining age 30, and Section 21252.1 shall continue to apply to such member unless and until he terminates such employment and more than 30 days thereafter enters employment otherwise subject to this section.

Upon such later entry into employment, the member will be subject to this section with respect to all service as a local safety member rendered to any employer subject to this section.

SEC. 50. Section 21252.7 is added to the Government Code, to read:

21252.7. The combined current and prior service pensions, disability retirement allowance or continued allowance with respect to a retired member whose effective date of retirement was prior to the operative date of this section, and who was a forestry, warden or law enforcement member on the day preceding such operative date, is his current service pension, prior service pension, or combined prior and current service pension, disability retirement allowance or continued allowance as it was under the provisions of this part as they read and applied to him on the day preceding the operative date of this section, subject to adjustment under Article 1.5 (commencing with Section 21220) of Chapter 9 of this part.

SEC. 51. Section 21252.8 is added to the Government Code, to read:

21252.8. The combined current and prior service pensions of a state safety member who on the day preceding the operative date of this section was a forestry member not subject to Section 21252.3 shall be determined in accordance with the provisions of this part as they read and applied to him on the day preceding such operative date and such member shall not become subject to Section 21252.6 unless he thereafter accepts appointment to a position in another state department in which he is a state safety member, and in such event he shall be subject to Section 21252.6 with respect to all of his state safety service.

SEC. 52. Section 21252.9 of the Government Code is repealed.

SEC. 53. Section 21252.9 is added to the Government Code, to read:

21252.9. The combined current and prior service pensions for a state safety member who on the day preceding the operative date of this section was a law enforcement member not subject to Section 21252.6, shall be determined in accordance with the provisions of this part as they read and applied to him on the day preceding such operative date rather than Section 21252.6 if under such provisions he is entitled to a retirement allowance exceeding 2 percent of final compensation per year of his law enforcement service, unless he elects in writing to be subject to Section 21252.6 and the election is filed in the office of the board within 30 calendar days following the operative date of this section. Any such member who does not so elect and thereafter accepts appointment to a position in another state department in which he is a state safety member shall become subject, upon such acceptance, to Section 21252.6 with respect to all of his state safety service.

SEC. 54. Section 21252.95 is added to the Government Code, to read:

21252.95. The combined current and prior service pensions for a

state safety member who on the day preceding the operative date of this section was a warden member shall be determined in accordance with the provisions of this part as they read and applied to him on the day preceding such operative date if on such preceding day he was either: (a) in compensated employment in which he was a warden member, or (b) on leave of absence from such employment and who either: (1) has attained age 55, or (2), if on such date he was subject to Section 21252.2, he entered warden service after attaining age 35, unless he elects in writing to be subject to Section 21252.6 and the election is filed in the office of the board within 30 calendar days following the operative date of this section.

Any such member who thereafter accepts an appointment to a position in another state department in which he is a state safety member shall become subject to Section 21252.6 with respect to all of his state safety service.

SEC. 55. Section 21263.1 of the Government Code, as amended by Chapter 249, Statutes of 1971, is amended to read:

21263.1. Upon the death of a state safety member after the effective date of this section and after the effective date of his retirement for service or for disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than state safety service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this section.

The effective date of this section with respect to a member who becomes subject to it after its enactment by reason of reclassification of his membership from miscellaneous to state safety member is the

effective date of the amendment to this part accomplishing such reclassification. The effective date of this section with respect to a member who prior to the effective date of the amendment to this section at the 1972 Regular Session was a law enforcement, forestry, or warden member is the date upon which he became subject as such member to this section or another section of this part providing a similar allowance.

SEC. 56. Section 21290.5 of the Government Code is amended to read:

21290.5. Upon retirement for nonindustrial disability, a patrol member or local safety member subject to Section 21252.01 who has attained age 50, or a state safety member who has attained age 55, shall receive his service retirement allowance.

SEC. 57. Section 21290.6 of the Government Code is repealed.

SEC. 58. Section 21290.75 of the Government Code is repealed.

SEC. 59. Section 21292.5 of the Government Code is amended to read:

21292.5. Upon retirement of a state safety member for industrial disability he shall receive a disability retirement allowance of 50 percent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

SEC. 60. Section 21292.75 of the Government Code is repealed.

SEC. 61. Section 21293 of the Government Code is amended to read:

21293. The disability retirement allowance for a patrol, state safety, or local safety member retired because of industrial disability shall be derived from his accumulated normal contributions and the contributions of his employer.

SEC. 62. Section 21293.6 of the Government Code is repealed.

SEC. 63. Section 21293.7 of the Government Code is repealed.

SEC. 64. Section 21293.8 of the Government Code, as amended by Chapter 1657, Statutes of 1971, is repealed.

SEC. 65. Section 21295 of the Government Code is amended to read:

21295. Every state member retired for disability for whom a different disability retirement allowance is not prescribed by any other provision of this article, and, except as otherwise provided in Section 21290.5, every patrol or state safety member retired for nonindustrial disability shall receive a disability retirement allowance which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of retirement; and

(b) If, in the opinion of the board, his disability is not due to intemperance, willful misconduct or violation of law on his part, a disability retirement pension derived from the contributions of the state.

SEC. 66. Section 21363 of the Government Code is amended to

read:

21363. The special death benefit is payable if the deceased was a patrol, prison, state safety or local safety member, if his death was industrial, as determined by the appeals board, using the same procedure as in workmen's compensation hearings, and if there is a wife or child who qualifies under subdivision (b), Section 21364.

SEC. 67. Section 21363.4 of the Government Code is repealed.

SEC. 68. Section 21363.5 of the Government Code is repealed.

SEC. 69. Section 21363.5 is added to the Government Code, to read:

21363.5. The special death benefit payable with respect to a member who at death prior to the operative date of this section was a warden, forestry, harbor police, or law enforcement member shall be continued in accordance with the provisions of this part as they read and applied to such benefit on the day preceding the operative date of this section.

SEC. 70. Section 21363.75 of the Government Code is repealed.

SEC. 71. Section 21364.75 of the Government Code, as amended by Chapter 1657, Statutes of 1971, is repealed.

SEC. 72. Section 21364.8 of the Government Code is repealed.

SEC. 73. Section 21364.9 of the Government Code is repealed.

SEC. 74. This act shall become operative on the first of the month following the month in which statutes enacted at the 1972 Regular Session become effective.

CHAPTER 1099

An act to amend Section 31520.1 of the Government Code, relating to county employees' retirement.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 31520.1 of the Government Code is amended to read:

31520.1. In any county subject to the provisions of Articles 6.8 (commencing with Section 31639) and 7.5 (commencing with Section 31662.2), the board of retirement shall consist of nine members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth, sixth and ninth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor, and shall be appointed

by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The eighth member shall be a retired member elected by the retired members of the association in a manner to be determined by the board of supervisors. The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first person chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. The eighth member shall take office for a term of two years on January 1, 1973. Thereafter the terms of office of the seven elected and appointed members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the second, third, seventh, or eighth member is absent from a board meeting for any cause, or if there is a vacancy with respect to the second, third, seventh, or eighth member, the alternate member shall fill such vacancy until a successor qualifies. The alternate shall sit on the board in place of the seventh member when a member of the same service is before the board for determination of his retirement.

The amendments to this section during the 1972 Regular Session shall not be construed to effect the continuation on the board of retired members appointed by board of supervisors until the expiration of the term for which they were appointed.

CHAPTER 1100

An act to amend Sections 20201, 23754, 23754.2, 23754.3, 25505.7, and 25505.8 of, to add Chapter 7 (commencing with Section 22800) to Division 16.5 of, and to repeal Sections 23054, 23055, 23056, 23057, 23058, 23059, 23753.2, 23755, 23755.1, 23755.5, 23756, 23758, 23758.05, 23758.1, 23758.3, 23761, 25505, 25505.1, 25505.2, and 25505.9 of, the Education Code, relating to student residency.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 20201 of the Education Code is amended to read:

20201. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a county community college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of students, during the next preceding fiscal year of all nondistrict resident community college students, as defined in Section 22815, less state basic aid and federal apportionments received during the next preceding fiscal year for such community college students.

(b) The actual expense of transportation of such students not reimbursed by the state.

(c) An amount equal to three hundred dollars (\$300) per unit of average daily attendance of such students during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars (\$100) more or an amount at least one hundred dollars (\$100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of supervisors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 2. Chapter 7 (commencing with Section 22800) is added to Division 16.5 of the Education Code, to read:

CHAPTER 7. UNIFORM STUDENT RESIDENCY REQUIREMENTS

Article 1. General Provisions

22800. It is the intent of the Legislature that the public institutions of higher education shall apply uniform rules, as set forth in this chapter and not otherwise, in determining whether a student shall be classified as resident or a nonresident.

Article 2. Definitions

22805. The definitions set forth in this article shall govern the construction of this chapter.

22806. "Institution" means the University of California, the California State University and Colleges, or a California community college.

22807. "Governing board" means the Regents of the University of California, the Trustees of the California State University and Colleges, or the Board of Governors of the California Community Colleges.

22808. "District governing board" means the governing board of a district maintaining one or more community colleges.

22809. "Parent" means a minor's father; or if he has no father, his mother; or, if both parents are deceased, his legal guardian.

22810. "Student" means a person enrolled in or applying for admission to an institution.

22811. "Continuous attendance," as it refers to attendance at an institution, means a student claiming continuous attendance who has been enrolled full time, as determined by the governing board, for a normal academic year at such institution since the beginning of the period for which continuous attendance is claimed. Nothing in this section shall require a student to attend summer sessions or other terms beyond the normal academic year in order to render his attendance "continuous."

22812. A "resident" is a student who has residence, pursuant to Article 5 (commencing with Section 22845) of this chapter in the state for more than one year immediately preceding the residence determination date.

22813. A "nonresident" is a student who does not have residence in the state for more than one year immediately preceding the residence determination date.

22814. A "district resident" is a resident who has residence within a district in the state.

22815. A "nondistrict resident" is a resident who does not have residence within a district in the state.

22816. "District" means a community college district maintaining one or more community colleges.

22817. "Resident classification" means classification as a resident, pursuant to Section 22812, at the University of California and the California State University and Colleges, and as a district resident, pursuant to Section 22814, or a nondistrict resident, pursuant to Section 22815, at a California community college.

22818. "Residence determination date" is a date immediately preceding the initiation of a semester, quarter, or term established by the governing boards to determine a student's residence.

Article 3. Classification

22835. Each student shall be classified as: (a) a resident or nonresident at the University of California or the California State University and Colleges; or (b) a district resident, nondistrict resident or nonresident at a California community college.

22836. Each student enrolled or applying for admission to an institution shall provide such information and evidence of residence as deemed necessary by the governing board to determine his classification. An oath or affirmation may be required in connection with taking testimony necessary to ascertain a student's classification. The determination of a student's classification shall be made in accordance with the provisions of this chapter and the residence determination date for the semester, quarter, or term for which the student proposes to attend an institution.

22837. The governing board or district governing board may appoint persons to administer oaths or affirmations in connection with taking testimony necessary to ascertain a student's classification.

22838. A student classified as a nonresident shall not obtain resident classification as a result of maintaining continuous attendance at an institution without meeting the other requirements of this chapter for obtaining such classification.

22839. The governing boards shall adopt rules and regulations for determining a student's classification and for establishing procedures for review and appeal of that classification. Such rules and regulations shall include, but are not limited to, the evidence necessary to determine residence, procedures for obtaining residence information and procedures for administering oaths in connection with taking of testimony relative to residence. A district governing board may adopt rules and regulations which are not inconsistent with those adopted by the Board of Governors of the California Community Colleges.

Article 4. Nonresident Tuition

22840. A student classified as a nonresident shall be required, except as otherwise provided in this chapter, to pay, in addition to other fees required by the institution, nonresident tuition. Such tuition shall be uniform within each type of institution and shall be approved by the governing board.

22841. Unless otherwise provided by law, the governing board shall adopt rules and regulations relating to the method of calculation of the amount of nonresident tuition, the method of payment, and the method and amount of refund.

Article 5. Determination of Student Residence

22845. Every person has, in law, a residence.

22846. Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.

22847. In determining the place of residence the following rules are to be observed:

(a) There can only be one residence.

(b) A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to

which he returns in seasons of repose.

(c) A residence cannot be lost until another is gained.

(d) The residence can be changed only by the union of act and intent.

(e) A man or a woman may establish his or her residence.

(f) The residence of the father during his life, and after his death the residence of the mother, while she remains unmarried, is the residence of the unmarried minor child, provided that when the parents are permanently separated, the residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of such unmarried minor child and provided further that a minor may establish his residence when both parents are deceased and a legal guardian has not been appointed.

(g) The residence of an unmarried minor who has a parent living cannot be changed by his own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Article 6. Exceptions to Residence Determination

22850. A student who is a minor and remains in this state after his parent, who was theretofore domiciled in California and has established residence elsewhere, shall be entitled to retain his resident classification until he has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

22851. A student who is a minor and who provides evidence that he has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date shall be entitled to establish his own residence if he meets the other requirements of this chapter.

22852. A student who has not been an adult for more than one year immediately preceding the residence determination date for the semester, quarter or term for which he proposes to attend an institution shall have his immediate premajority derived California residence, if any, added to his postmajority residence to obtain the one year of California residence required by Section 22812.

22853. A student who is a natural or adopted child, stepchild or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident, as long as continuous attendance is maintained at an institution. Should that member of the armed forces of the United States be thereafter transferred on military orders to a place outside the continental United States where the member continues to serve in the armed forces of the United States, the student shall not lose his resident classification until he has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained

at an institution.

22854. A student who is a member of the armed forces of the United States stationed in this state on active duty, except a member of the armed forces assigned for educational purposes to state-supported institutions of higher education, shall be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident.

22855. A student who is an adult alien shall be entitled to resident classification if he has been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States; provided, that he has had residence in the state for more than one year after such admission prior to the residence determination date for the semester, quarter or term for which he proposes to attend an institution.

22856. A student who is a minor alien shall be entitled to resident classification if both he and his parent have been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States; provided, that the parent has had residence in the state for more than one year after such admission prior to the residence determination date for the semester, quarter or term for which he proposes to attend an institution.

22857. A student holding a valid credential authorizing service in the public schools of this state who is employed by a community college district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution shall be entitled to resident classification if such student meets any of the following requirements:

(a) Holding of a provisional credential and enrollment at an institution in courses necessary to obtain another type of credential authorizing service in the public schools.

(b) Holding a credential issued pursuant to Section 13125 and enrollment at an institution in courses necessary to fulfill credential requirements.

(c) Enrollment at an institution in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Section 13130.

22858. A student who is a full-time employee of an institution or a student who is a child or spouse of a full-time employee of an institution may be entitled to resident classification, as determined by the governing boards, until he has resided in the state the minimum time necessary to become a resident.

22859. A student who is a minor and resides with either his father or mother in a district or territory not in a district shall be entitled to resident classification, provided that the father or mother has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which he proposes to attend a community college and provided that he meets the other requirements of this chapter.

22859.5. A student who is an apprentice, as defined in Section 3077 of the Labor Code, shall be entitled to resident classification for attendance at a community college.

Article 7. Miscellaneous Provisions

22860. The governing boards and district governing boards may waive nonresident tuition in whole or in part pursuant to Sections 23754, 23754.3, 23754.4, and 25505.8.

22861. The governing boards and district governing boards may enter into agreements with appropriate agencies and institutions of higher education in other states and foreign countries providing for the exchange of students in higher educational institutions in this state and other states or countries pursuant to Sections 23758.2 and 25505.8.

22862. A person in continuous attendance at an institution who has resident classification on the effective date of this chapter shall not lose such classification as a result of this chapter until the attainment of the degree for which he is currently enrolled.

22863. If an action is brought against a governing board as the result of the application of this chapter that governing board shall inform the governing boards of the other institutions regarding the litigation. If an action is brought against a district governing board as a result of the application of this chapter that district governing board shall inform the Board of Governors of the California Community Colleges, who shall inform the Regents of the University of California and the Trustees of the California State University and Colleges regarding the pending litigation.

Article 8. Rules and Regulations

22865. The governing boards shall adopt appropriate rules and regulations to insure the orderly implementation of this chapter. The district governing boards may adopt rules and regulations, which are not inconsistent with those adopted by the Board of Governors of the California Community Colleges, in order to insure the orderly implementation of this chapter.

The residence determination date and rules and regulations adopted by governing boards and district governing boards pursuant to this chapter shall be published in the respective institutional catalogs.

It is the intent of the Legislature that the governing boards, insofar as possible, adopt uniform rules and regulations, to insure consistent application of residency requirements among all institutions.

SEC. 3. Section 23054 of the Education Code is repealed.

SEC. 4. Section 23055 of the Education Code is repealed.

SEC. 5. Section 23056 of the Education Code is repealed.

SEC. 6. Section 23057 of the Education Code is repealed.

SEC. 7. Section 23058 of the Education Code is repealed.

SEC. 8. Section 23059 of the Education Code is repealed.

SEC. 10. Section 23753.2 of the Education Code is repealed.

SEC. 11. Section 23754 of the Education Code is amended to read:

23754. (a) Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student, as defined in Section 22813, shall not be less than three hundred sixty dollars (\$360) per year. The rate of tuition paid by each nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States, except as otherwise specifically provided, shall be fixed by the trustees and shall not be less than three hundred sixty dollars (\$360) per year. The tuition fee for a nonresident student who is a citizen and resident of a foreign country and who was in attendance at a state university or college during the fall term of 1969, may be waived by the trustees if they determine that the increased tuition fee will cause a severe financial hardship on the student. Such waivers may be granted through the spring term of 1973 or until the student receives a baccalaureate degree, whichever occurs first.

(b) The trustees may waive entirely, or reduce below the rate, or the minimum rate, fixed by this section, the tuition fee of a nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States and who attends a state university or college under an agreement entered into by a governmental agency or a nonprofit corporation or organization with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

SEC. 12. Section 23754.2 of the Education Code is amended to read:

23754.2. The trustees have the power, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or to reduce below the rate, or the minimum rate, fixed by Section 23754, the tuition fee of a nonresident student, as defined in Section 22813, who is a citizen and resident of a foreign country who is an undergraduate student of exceptional scholastic ability and prior scholastic achievement who is enrolled in a course of study of no less than 10 semester units.

The number of reductions and waivers granted by the trustees under this section shall at no time exceed 7½ percent of the nonresident undergraduate students who are citizens and residents of a foreign country, then enrolled in the California State University and Colleges.

SEC. 13. Section 23754.3 of the Education Code is amended to

read:

23754.3. The trustees shall have the power, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or to reduce below the rate, or the minimum rate, fixed by Section 23754, the tuition fee of a nonresident student or a nonresident student, as defined in Section 22813, who is a citizen and resident of a foreign country who is a graduate student of exceptional scholastic ability and prior scholastic achievement who, while not employed full time by a university or state college, is employed 20 hours or more a week by a university or state college or is enrolled in a course of study of not less than 10 semester or quarter units.

The number of reductions and waivers granted by the trustees under this section shall at no time exceed twenty-five percent (25%) of the nonresident graduate students, including nonresident graduate students who are citizens and residents of a foreign country, then enrolled in the California State University and Colleges.

SEC. 15. Section 23755 of the Education Code is repealed.

SEC. 16. Section 23755.1 of the Education Code is repealed.

SEC. 17. Section 23755.5 of the Education Code is repealed.

SEC. 18. Section 23756 of the Education Code is repealed.

SEC. 19. Section 23758 of the Education Code is repealed.

SEC. 20. Section 23758.05 of the Education Code is repealed.

SEC. 21. Section 23758.1 of the Education Code is repealed.

SEC. 23. Section 23758.3 of the Education Code is repealed.

SEC. 24. Section 23761 of the Education Code is repealed.

SEC. 25. Section 25505 of the Education Code is repealed.

SEC. 26. Section 25505.1 of the Education Code is repealed.

SEC. 27. Section 25505.2 of the Education Code is repealed.

SEC. 28. Section 25505.7 of the Education Code is amended to

read:

25505.7. The governing board of any community college district shall admit to a community college maintained by it any nondistrict resident, as defined in Section 22815, who meets the requirements of Sections 25503 to 25504.5, inclusive.

SEC. 29. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regards to all nonresidents described in (a) and (b), and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the

beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all districts for the current costs of education as defined by the California Accounting Manual for students enrolled in grades 13 and 14.

The Board of Governors of the California Community Colleges shall compute the amount per student enrolled in all districts of the state.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 30. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regards to all nonresidents described in (a) and (b), and shall not be made on an individual basis.

A district may, without the approval of the Board of Governors of the California Community Colleges contract with a state, the federal

government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California Accounting Manual for students enrolled in grades 13 and 14.

Each governing board shall compute the amount per student enrolled in the district.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 30.1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regards to all nonresidents described in (a) and (b), and shall not be made on an individual basis.

A district may, with the approval of the Board of Governors of the

California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all districts for the current costs of education as defined by the California School Accounting Manual for students enrolled in grades 13 and 14.

The Board of Governors of the California Community Colleges shall compute the amount per pupil enrolled in all districts of the state.

The Board of Governors of the California Community Colleges shall compute the amount per student enrolled in all districts of the state.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 30.2. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regards to all nonresidents described in (a) and (b), and shall not be made on an individual basis.

A district may, with the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California Accounting Manual for students enrolled in grades 13 and 14.

Each governing board shall compute the amount per student enrolled in the district.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 31. It is the intent of the Legislature, if this bill and

Assembly Bill No. 529 are both chaptered and amend Section 25505.8 of the Education Code, and this bill is chaptered after Assembly Bill No. 529, that the amendments to Section 25505.8 proposed by both bills be given effect and incorporated in Section 25505.8 in the form set forth in Section 30 of this act. Therefore, Section 30 of this act shall become operative only if this bill and Assembly Bill No. 529 are both chaptered, both amend Section 25505.8, and Assembly Bill No. 529 is chaptered before this bill, in which case Section 29 of this act shall not become operative.

SEC. 31.1. It is the intent of the Legislature, if this bill and Assembly Bill No. 1165 are both chaptered and amend Section 25505.8 of the Education Code, and this bill is chaptered after Assembly Bill No. 1165, that the amendments to Section 25505.8 proposed by both bills be given effect and incorporated in Section 25505.8 in the form set forth in Section 30.1 of this act. Therefore, Section 30.1 of this act shall become operative only if this bill and Assembly Bill No. 1165 are both chaptered, both amend Section 25505.8, and Assembly Bill No. 1165 is chaptered before this bill, in which case Sections 29, 30, and 30.2 of this act shall not become operative.

SEC. 31.2. It is the intent of the Legislature, if this bill and Assembly Bills Nos. 529 and 1165 are chaptered and amend Section 25505.8 of the Education Code, and this bill is chaptered after Assembly Bills Nos. 529 and 1165, that the amendments to Section 25505.8 proposed by the three bills be given effect and incorporated in Section 25505.8 in the form set forth in Section 30.2 of this act. Therefore, Section 30.2 of this act shall become operative only if this bill and Assembly Bills Nos. 529 and 1165 are all chaptered, all amend Section 25505.8, and Assembly Bills Nos. 529 and 1165 are chaptered before this bill, in which case Sections 29, 30, and 30.1 of this act shall not become operative.

SEC. 32. Section 25505.9 of the Education Code is repealed.

SEC. 33. Section 22815 of the Education Code, as proposed in Section 2 of this bill, is amended to read:

22815. A "nondistrict resident" is a resident who does not have residence within a district in the state, or a student who, within 39 months period immediately preceding the residence determination date, was graduated from a high school which is situated in territory not within a district.

SEC. 34. Section 33 of this bill shall become operative only if Senate Bill No. 656 is chaptered before this bill and amends Section 25505 of the Education Code.

SEC. 34.1. Section 22861 of the Education Code, as proposed in Section 2 of this bill, is amended to read:

22861. The governing boards and district governing boards may enter into agreements with appropriate agencies and institutions of higher education in other states and foreign countries providing for the exchange of students in higher educational institutions in this state and other states or countries pursuant to Sections 23758.2,

25505.8, and Chapter 1.6 (commencing with Section 22515) of Division 16.5.

SEC. 34.2. Section 34.1 of this bill shall become operative only if Assembly Bill No. 1165 is enacted and adds Chapter 1.6 (commencing with Section 22515) to Division 16.5 of the Education Code.

SEC. 35. The provisions of this act shall not be applicable to the University of California unless the Regents of the University of California, by resolution, make such provisions so applicable.

SEC. 36. If any provisions of this act or the application thereof to any institution, person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are severable.

SEC. 37. The Coordinating Council for Higher Education, with the cooperation of the governing boards, is requested to study and comment on the policies adopted pursuant to Section 22841 of the Education Code, relating to the appropriate amount of tuition and the method of calculation by type of institution; pursuant to Section 22860 of the Education Code, relating to the number and classes of students granted tuition waivers; pursuant to Section 22839 of the Education Code, relating to regulations and appeal procedures, pursuant to Section 22861 of the Education Code, relating to the appropriate number and types of agreements; and on the need for any additional policies or statutes to insure the consistent and uniform application of this act among all institutions. Such comments shall be reported to the Legislature by November 15, 1974.

SEC. 38. This act shall become operative on May 1, 1973, or the first day of the first month after the effective date thereof, whichever is later.

CHAPTER 1101

An act to amend Section 14056 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14056 of the Welfare and Institutions Code is amended to read:

14056. "Minimum coverage" means prescribed drugs for public assistance recipients as established by the director, and care or coverage specified in paragraphs (1), (2), (3), (4), (5), and (10) of Section 14053, except that it shall not include elective services.

CHAPTER 1102

An act to add Sections 3714.5, 3723.5, and 3728.5 to the Public Resources Code, relating to geothermal resources.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3714.5 is added to the Public Resources Code, to read:

3714.5. The supervisor, pursuant to regulation, shall designate geothermal resources areas and may exclude from the operation of this chapter certain wells within such geothermal resources areas when there is no probability of encountering geothermal resources.

SEC. 2. Section 3723.5 is added to the Public Resources Code, to read:

3723.5. Any person who acquires the ownership or operation of any well or wells, whether by purchase, transfer, assignment, conveyance, exchange, or otherwise, shall, within five days after acquiring the well or wells, file with the supervisor an indemnity bond in the sum of five thousand dollars (\$5,000) for each well acquired, or a bond in the sum of twenty-five thousand dollars (\$25,000) for any number of wells acquired. The bond shall be stated in substantially the language set forth in Section 3725.

SEC. 3. Section 3728.5 is added to the Public Resources Code, to read:

3728.5. In lieu of the bond required by Sections 3723.5, 3725, and 3726, a person may, with the written approval of the supervisor, file a cash bond in the applicable amount, together with evidence of the deposit of such amount in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the applicable amount issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, or bonds issued by the United States or the State of California in the principal amounts of six thousand dollars (\$6,000) or thirty thousand dollars (\$30,000), whichever is applicable, with the State Treasurer. Such bond, or security filed in lieu thereof, shall be subject to all conditions set forth in Sections 3723.5, 3725, and 3726.

CHAPTER 1103

An act to amend Section 27491.45 of the Government Code, relating to coroners.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 27491.45 of the Government Code is amended to read:

27491.45. The coroner shall have the right to retain tissues of the body removed at the time of autopsy as may, in his opinion, be necessary or advisable for scientific investigation.

Such tissues may, in his discretion, be submitted to hospitals, medical educational research institutions, and law enforcement agencies for training, educational, and research purposes.

Nothing in this section shall be construed as limiting any right provided for in Section 7151.7 of the Health and Safety Code.

CHAPTER 1104

An act to add Sections 3409 and 4023.5 to the Penal Code and Sections 520 and 1753.7 to the Welfare and Institutions Code, relating to female prisoners.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3409 is added to the Penal Code, to read:

3409. Any woman inmate shall upon her request be allowed to continue to use materials necessary for (a) personal hygiene with regard to her menstrual cycle and reproductive system and (b) birth control measures as prescribed by her physician.

SEC. 2. Section 4023.5 is added to the Penal Code, to read:

4023.5. Any female confined in any local detention facility shall upon her request be allowed to continue to use materials necessary for (a) personal hygiene with regard to her menstrual cycle and reproductive system and (b) birth control measures as prescribed by her physician.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female prisoner for more than 24 hours.

SEC. 3. Section 520 is added to the Welfare and Institutions Code, to read:

520. Any female confined in a state or local juvenile facility shall upon her request be allowed to continue to use materials necessary for (a) personal hygiene with regard to her menstrual cycle and reproductive system and (b) birth control measures as prescribed by her physician.

For the purposes of this section, "local juvenile facility" means any city, county, or regional facility used for the confinement of juveniles for more than 24 hours.

SEC. 4. Section 1753.7 is added to the Welfare and Institutions Code, to read:

1753.7. Any female confined in a Department of the Youth Authority facility shall, upon her request, be allowed to continue to use materials necessary for (a) personal hygiene with regard to her menstrual cycle and reproductive system and (b) birth control measures as prescribed by her physician.

CHAPTER 1105

An act to amend Section 17536 of the Business and Professions Code, relating to civil penalties.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 17536 of the Business and Professions Code is amended to read:

17536. Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney in any court of competent jurisdiction. If brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered.

SEC. 2. Section 17536 of the Business and Professions Code is amended to read:

17536. Any person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction. If brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

SEC. 3. It is the intent of the Legislature, if this bill and Senate

Bill No. 912 are both chaptered and amend Section 17536 of the Business and Professions Code, and this bill is chaptered after Senate Bill No. 912, that the amendments to Section 17536 proposed by both bills be given effect and incorporated in Section 17536 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 912 are both chaptered, both amend Section 17536, and Senate Bill No. 912 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1106

An act to amend Section 11711 of the Vehicle Code, relating to vehicle dealers.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11711 of the Vehicle Code is amended to read:

11711. (a) If any person (1) shall suffer any loss or damage by reason of any fraud practiced on him or fraudulent representation made to him by a licensed dealer or one of such dealer's salesmen acting for the dealer, in his behalf, or within the scope of the employment of such salesman and such person has possession of a written instrument furnished by the licensee, containing stipulated provisions and guarantees which the person believes have been violated by the licensee, or (2) if any person shall suffer any loss or damage by reason of the violation by such dealer or salesman of any of the provisions of Division 3 (commencing with Section 4000) of this code, or (3) if any person is not paid for a vehicle sold to and purchased by a licensee, then any such person shall have a right of action against such dealer, his salesman, and the surety upon the dealer's bond, in an amount not to exceed the value of the vehicle purchased from or sold to the dealer.

(b) If the state or any political subdivision thereof shall suffer any loss or damage by reason of any fraud practiced on the state or fraudulent representation made to the state by a licensed dealer, or one of such dealer's representatives acting for the dealer, in his behalf, or within the scope of employment of such representatives, or shall suffer any loss or damage by reason of the violation of such dealer or representative of any of the provisions of Division 3 (commencing with Section 4000) of this code, or Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code, the state or any political subdivision thereof, through the department, shall have a right of action against such dealer, his

representative, and the surety upon the dealer's bond in an amount not to exceed the value of the vehicles involved.

(c) The failure of a dealer upon demand to pay the fees and penalties determined to be due as provided in Section 4456 hereof is declared to be a violation of Division 3 (commencing with Section 4000) of this code, and Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code and to constitute loss or damage to the state in the amounts of such fees and penalties determined to be due and not paid.

(d) The claims of the state under subdivision (b) shall be satisfied first and entitled to preference over all claims under subdivision (a).

(e) The claims of any person under subdivision (a) who is not a licensee shall be satisfied first and entitled to preference over all other claims under subdivision (a).

CHAPTER 1107

An act to add Section 3600.3 to the Labor Code, relating to workmen's compensation.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3600.3 is added to the Labor Code, to read:
3600.3. (a) For the purposes of Section 3600, an off-duty peace officer who is performing, within the jurisdiction of his employing agency, a service he would, in the course of his employment, have been required to perform if he were on duty, is performing a service growing out of and incidental to his employment and is acting within the course of his employment if, as a condition of his employment, he is required to be on call within such jurisdiction during his off-duty hours.

(b) As used in this section, "peace officer" means active law enforcement officers and fire suppression personnel who are full-time employees of a city, county, police or fire protection district, or of any other district furnishing police protection or fire suppression services.

(c) This section shall not apply to any off-duty peace officer while he is engaged, either as an employee or as an independent contractor, in any capacity other than as a peace officer.

CHAPTER 1108

An act to add Section 13085.5 to the Education Code, relating to school employer-employee relations.

[Approved by Governor August 23, 1972. Filed with Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13085.5 is added to the Education Code, to read:

13085.5. In each school district there is a group of certificated positions which shall be identified by the governing board of the district as "management positions" for the purposes of this article. The governing board, notwithstanding Section 13085, shall publicly identify all management positions annually at its first meeting of each fiscal year and shall list the positions as management positions in its minutes. Any additional position established during the fiscal year shall, at the time of establishment, be identified to indicate whether it is or is not a management position.

No position shall be identified as a certificated management position for the purposes of this article unless it satisfies both of the following requirements:

(a) The position is one whose primary duties are other than teaching.

(b) The primary duty of the position shall be direct supervision over certificated employees.

No person serving in a certificated management position shall be represented by any certificated employee organization or by a certificated employee council established pursuant to Section 13085. Any person serving in a management position shall have the right to represent himself individually or by an employee organization whose membership is composed entirely of employees designated as holding management positions, in his employment relationships with the public school employer. No certificated employee organization or certificated employee council established pursuant to Section 13085 shall have any authority to meet and confer on any benefit or compensation paid to such persons.

SEC. 2. For the purposes of the 1972-1973 fiscal year, the initial identification by governing boards of school districts of management positions shall be made in the manner prescribed in Section 13085.5 of the Education Code on or before the 30th day after this act becomes effective.

CHAPTER 1109

An act to amend Section 9606.7 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor August 23, 1972. Filed with Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9606.7 of the Revenue and Taxation Code is amended to read:

9606.7. In determining the "gross receipts" of any operator, there shall be deducted from his receipts of operation all amounts which he has paid or has obligated himself to pay for bridge and ferry fares or tolls and road tolls in connection with the operation of motor vehicles in the transportation of persons or property for hire or compensation upon the public highways and upon private roads and drives.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1110

An act to amend Sections 5784.5 and 5784.7 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor August 23, 1972. Filed with Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5784.5 of the Public Resources Code is amended to read:

5784.5. The supervising authority shall, at the time the county taxes are levied, levy a tax upon all the property taxable by the district, to meet the amount set forth in the final budget submitted by the district board. The tax shall not, however, exceed a rate of sixty cents (\$.60) on each one hundred dollars (\$100) of assessed valuation, exclusive of taxes levied or required to be levied under Section 5784.30.

SEC. 2. Section 5784.7 of the Public Resources Code is amended to read:

5784.7. At the election for the formation of the recreation and park district, the proposition may be placed on the ballot as to whether or not the district is to establish a tax ceiling and, if a tax ceiling is to be established, the amount of the tax ceiling may be placed on the ballot. In this event, the tax ceiling shall not, however, exceed a rate of sixty cents (\$.60) on each one hundred dollars (\$100) of assessed valuation.

CHAPTER 1111

An act to amend Sections 31204 and 31214 of the Education Code, relating to state competitive scholarships.

[Approved by Governor August 23, 1972. Filed with Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available for the fiscal years 1971–1972 and 1972–1973 scholarships in an amount equal to 3 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1973–1974 and for each fiscal year thereafter such scholarships in an amount equal to 3.5 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California state scholarship program.

(b) Of the scholarships, other than renewal scholarships for state scholarship winners, authorized by subdivision (a), one-third of the total number available for a fiscal year shall be available for the fiscal year for allocation pro rata to each senatorial and Assembly district.

No award shall be canceled because of change of residence of an award winner within the state.

SEC. 2. Section 31214 of the Education Code is amended to read:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars (\$300) to not to exceed two thousand two hundred dollars (\$2,200) in one hundred dollar (\$100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms or quarters of the institution at which the scholarship is used.

No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of two thousand two hundred dollars (\$2,200); except that the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one academic year proportional to the period of additional attendance resulting from attendance at a summer term or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms or quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed two thousand dollars (\$2,000) for a year except awards given for attendance during the 1973-1974 fiscal year and thereafter.

SEC. 3. Section 31214 of the Education Code is amended to read:
31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars (\$300) to not to exceed two thousand two hundred dollars (\$2,200) in one hundred dollars (\$100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms, sessions, or quarters of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of two thousand two hundred dollars (\$2,200); except that the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one academic year proportional to the period of additional attendance resulting from attendance at a summer term, session, or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms, sessions, or

quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed two thousand dollars (\$2,000) for a year except awards given for attendance during the 1973-1974 fiscal year and thereafter.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1589 are both chaptered and amend Section 31214 of the Education Code, and this bill is chaptered after Assembly Bill No. 1589, that the amendments to Section 31214 proposed by both bills be given effect and incorporated in Section 31214 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1589 are both chaptered, both amend Section 31214, and Assembly Bill No. 1589 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1112

An act to amend Section 26559 of the Health and Safety Code, relating to foods.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 26559 of the Health and Safety Code is amended to read:

26559. Any food fabricated from two or more ingredients is misbranded unless it bears a label clearly stating the common or usual name of each ingredient in descending order of predominance by weight. Any spice, flavoring, or coloring, except any spice, flavoring, or coloring sold as such, may be designated as spice, flavoring, or coloring without naming each.

Exemptions may be established by the department, when compliance with any requirement of this section is impractical or results in deception or unfair competition.

In adopting any regulations relating to this section, the department shall take into consideration the current regulations established by the Secretary of Health, Education, and Welfare under authority contained in the federal law.

Notwithstanding Section 26052 or any other provision of law, as used in this section, the term "food" includes, but is not limited to, meat. The term "food" does not, however, include any alcoholic beverage.

This section shall not apply to any food sold for consumption on or off the premises of any restaurant, as defined in Section 28522, in the course of its business as a restaurant, or to any milk or dairy product.

SEC. 2. Section 26559 of the Health and Safety Code is amended to read:

26559. (a) Any food fabricated from two or more ingredients is misbranded unless it bears a label clearly stating the common or usual name of each ingredient in descending order of predominance by weight. Any spice, flavoring, or coloring, except any spice, flavoring, or coloring sold as such, may be designated as spice, flavoring, or coloring without naming each.

Exemptions may be established by the department, when compliance with any requirement of this subdivision is impractical or results in deception or unfair competition.

In adopting any regulations relating to this subdivision, the department shall take into consideration the current regulations established by the Secretary of Health, Education, and Welfare under authority contained in the federal law.

Notwithstanding Section 26052 or any other provision of law, as used in this subdivision, the term "food" includes, but is not limited to, meat. The term "food" does not, however, include any alcoholic beverage.

This subdivision shall not apply to any food sold for consumption on or off the premises of any restaurant, as defined in Section 28522, in the course of its business as a restaurant, or to any milk or dairy product.

(b) Whenever any bread is wrapped, in any wrapping, for sale through retail outlets, there shall appear on the body of the wrapping or on the insert band a list specifying each ingredient in the bread in the order of predominance, by weight, of each such ingredient. This subdivision shall not be construed to require the listing of ingredients constituting less than 1 percent of the weight of the bread.

This subdivision does not apply to bread which is sold on the premises upon which it is baked.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1074 are both chaptered and amend Section 26559 of the Health and Safety Code, and this bill is chaptered after Assembly Bill

No. 1074, that Section 26559 of the Health and Safety Code, as amended by Section 1 of Assembly Bill No. 1074 be further amended on the operative date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 26559 proposed by this bill. Therefore, Section 2 of this act shall become operative only if Assembly Bill No. 1074 is chaptered before this bill and amends Section 26559, and in such case Section 2 of this act shall become operative on the operative date of this act and Section 1 of this act shall not become operative.

SEC. 4. This act shall become operative on July 8, 1974.

CHAPTER 1113

An act to add Article 1.3 (commencing with Section 17510) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to charitable solicitations.

[Approved by Governor August 23, 1972 Filed with
Secretary of State August 23, 1972]

The people of the State of California do enact as follows:

SECTION 1. Article 1.3 (commencing with Section 17510) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 1.3. Charitable Solicitations

17510. (a) The Legislature finds that there exists in the area of sales solicitations for charitable purposes a condition which has worked fraud, deceit and imposition upon the people of the state which existing legal remedies are inadequate to correct. Many sales solicitations for charitable purposes have involved situations where funds are solicited from the citizens of this state for charitable purposes, but an insignificant amount, if any, of the money solicited and collected actually is received by any charity. The charitable solicitation industry has a significant impact upon the well-being of the people of this state. The provisions of this article relating to sale solicitations for charitable purposes are, therefore, necessary for the public welfare.

(b) The Legislature declares that the purpose of this article is to safeguard the public against fraud, deceit and imposition, and to foster and encourage fair sales solicitations for charitable purposes, wherein the buyer from whom the money is being solicited will know what portion of the money will actually be utilized for charitable purposes. This article will promote legitimate sales solicitation for charitable purposes and restrict harmful solicitation methods, thus the people of this state will not be misled into donating

to solicitors a substantial amount of money which may not in fact be used for charitable purposes.

17510.1. As used in this article, "sale" shall include a gift made with the hope or expectation of monetary compensation.

17510.2. As used in this article, "sales solicitation for charitable purposes" means the sale of, offer to sell, or attempt to sell any advertisement, advertising space, book, card, chance, coupon device, magazine subscription, membership, merchandise, ticket of admission or any other thing or service in connection with which:

(a) Any appeal is made for charitable purposes; or

(b) The name of any charity, philanthropic or charitable organization is used or referred to in any such appeal as an inducement for making any such sale; or

(c) Any statement is made to the effect that the whole or any part of the proceeds from such sale will go to or be used for any charitable purpose or organization.

The sale, offer or attempt to sell, shall include the making or disseminating or causing to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever any such solicitation.

17510.3. Prior to any sales solicitation for charitable purposes, the seller shall exhibit to the prospective purchaser a card entitled "Sale for Charitable Purposes Card." The card shall be signed and dated under penalty of perjury by an individual who is either a principal or officer of the soliciting organization. The card shall give the name and address of the soliciting organization or the person who signed the card and the name and address of the individual who is doing the actual soliciting. The card shall also include, in at least 10-point type, the following information:

(a) The name and address of each organization or fund on behalf of which all or any part of the money collected will be utilized for charitable purposes;

(b) If there is no organization or fund, the manner in which the money collected will be utilized for charitable purposes;

(c) The amount, stated as a percentage of the total purchase price, that will be given to the organization or fund;

(d) If there is no organization or fund, the amount, stated as a percentage of the total purchase price, that will be used for charitable purposes;

(e) The non-tax-exempt status of the organization or fund, if the organization or fund for which the money or funds are being solicited does not have a charitable tax exemption under both federal and state law;

(f) The percentage of the total purchase price which may be deducted as a charitable contribution under both federal and state law. If no portion is so deductible the card shall state that "This contribution is not tax deductible."

17510.4. If the initial solicitation is made by radio, television,

letter, telephone, or any other means not involving direct personal contact with the person solicited, this solicitation shall clearly disclose the information required by Section 17510.3. If the sale is subsequently consummated the sale for charitable purposes card shall be mailed to or otherwise delivered to the buyer with the item or items purchased.

17510.5. The provisions of this article shall apply to any organization which at the time of the sales solicitation does not have charitable tax-exempt status under federal and state laws and to any person acting for, on behalf of, or as employee or agent of such organization.

17510.6. Any organization which at the time of the sales solicitation for charitable purposes has charitable tax-exempt status under federal and state laws shall not be subject to the provisions of this article.

17510.7. Compliance with any city or county ordinance which provides for disclosure of information relating to solicitations for charitable purposes substantially similar to and no less than the disclosure requirements of this article shall be deemed to satisfy the requirements of this article.

CHAPTER 1114

An act to amend Section 1305 of the Penal Code, relating to bail.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. (a) If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars (\$50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted the bond shall not constitute compliance with this section; the clerk shall at the

same time send a copy of such notice to the bail agent or solicitor who posted the bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond.

But if at any time within 180 days after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just, and may order the bail reinstated and the defendant released again on the same bond. If at any time within 180 days after such entry in the minutes or mailing as the case may be, the bail should surrender the defendant to the court or to custody, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is dead or is otherwise permanently unable to appear in court due to illness, insanity, or detention by civil or military authorities, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is temporarily disabled by reason of illness, insanity, or detention by civil or military authorities and is therefore unable to appear in court at any time during the remainder of such 180 days, and that the absence of the defendant has not been with the connivance of the bail, then the period of time during which the disability continues shall not be deemed part of such 180 days. Upon a finding by the court that a reasonable period of time is necessary in order to return the defendant to court upon the termination of the disability, then such period of time, as fixed by the court, shall not be deemed part of such 180 days.

Unless waived by the district attorney or other prosecuting attorney, no order discharging the forfeiture of the undertaking or deposit shall be made without opportunity for hearing and the filing of a notice of motion for such order setting forth the basis for relief, with proof of service upon the district attorney or other prosecuting attorney at least 10 days prior to the time set for hearing of the motion and otherwise in compliance with the provisions of Section 1010 of the Code of Civil Procedure. Such notice may be given by the surety insurer, its bail agent, the surety, or depositor of money, any of whom may give such notice and appear either in person or by attorney. Such notice of motion must be filed within 180 days after such entry in the minutes or mailing as the case may be, and must be heard and determined within 30 days after the expiration of such

180 days, unless the court for good cause shown, shall extend the time for hearing and determination.

(b) If, without sufficient excuse, the defendant neglects to appear for arraignment, trial, judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, but the court has reason to believe that sufficient excuse may exist for his neglect to appear or surrender himself, the court may continue the case for such period as it deems reasonable to enable the defendant to appear without ordering a forfeiture of bail or issuing a bench warrant.

CHAPTER 1115

An act to add Sections 25428.1 and 25428.2 to the Education Code, relating to community colleges.

[Approved by Governor August 23, 1972. Filed with
Secretary of State August 23, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25428.1 is added to the Education Code, to read:

25428.1. (a) The governing board of any district maintaining a community college may establish an account for each cocurricular activity with designations such as "the music account," "the journalism account," or "the drama account." All income derived from each designated cocurricular activity shall be deposited in the account for expenditures for the operation of the cocurricular activity maintaining the account, in accordance with the rules and regulations of the governing board.

(b) The governing board may designate an employee or employees of the district as the custodian of the account or accounts and such person or persons shall be responsible for the payment into the account or accounts of all moneys received for or to be paid into the account or accounts, and for all expenditures therefrom, subject to the rules and regulations of the governing board.

(c) As used in this section, "cocurricular activities" has the same meaning as defined in Section 25428, as added by Chapter 1509 of the Statutes of 1971.

SEC. 2. Section 25428.2 is added to the Education Code, to read:

25428.2. The governing board of a school district maintaining a community college may impose a fee on a participating student for the additional expenses incurred when physical education courses are required to use nondistrict facilities.

CHAPTER 1116

An act to add Article 1 (commencing with Section 23401) to Chapter 3 of Division 17 of the Education Code, relating to the University of California, and making an appropriation therefor.

[Approved by Governor August 25, 1972. Filed with Secretary of State August 25, 1972.]

I am deleting the \$9,360,000 appropriation contained in Section 2 of Senate Bill No. 665

I have been concerned for some time about the growing need for family practitioners in California. This measure, which is intended to provide for the training and development of more family practitioners, unfortunately does not contain the necessary guidelines to assure proper allocation of the \$9,360,000 contained in the bill. Without proper assurance that the money proposed for this program will provide adequate training, I cannot support this expenditure of state funds.

I have, therefore, deleted the \$9,360,000 appropriation contained in SB 665.

With the above deletion, I approve Senate Bill No. 665.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Article 1 (commencing with Section 23401) is added to Chapter 3 of Division 17 of the Education Code, to read:

Article 1. Family Practice Residency for Physicians

23401. The Legislature hereby finds and declares that physicians engaged in family practice are in very short supply. Medical education has increasingly stressed specialization without sufficient concern for the long-range impact on the delivery of health services in the community.

The Legislature further finds that the shortage of family practitioners must be corrected by placing higher priority in University of California medical schools on the attraction of medical students to family practice. To accomplish this goal, each school must organize a strong department of family practice with adequate budget. Such departments must also have the fiscal capacity to increase the number of approved family practice residencies in community hospitals for medical graduates who elect to specialize in family practice. Rural community hospitals should be encouraged to develop these residencies with the support of medical schools in order to improve the supply of physicians in rural parts of the state.

23402. The Regents of the University of California shall establish a Department of Family Practice at each medical campus of the University of California. The chairman of each department of family practice shall have specialty certification from the American Board of Family Practice which requires broad clinical experience in the field of family practice.

23403. Each program of family practice shall:

- (a) Be designed to advance the field of family practice.
- (b) Educate all medical students in family practice, and attract

students to it as a career.

(c) Include teaching, and development of medical services for families, as a basis for teaching in family practice.

(d) Provide students an opportunity to study family practice in various situations through preceptorships, summer programs, seminars, or other means.

(e) Develop residency and other training programs for family practice in public and private community hospitals, including those in nonmetropolitan areas of the state.

23404. Each department shall have faculty positions devoted to teaching and program development for attracting medical students to family practice by exposing them to various practice settings through preceptorships, summer programs, seminars, and other related programs.

23405. Each department shall develop family practice residencies in community hospitals with emphasis on decentralization to rural parts of the state.

23406. The Regents of the University of California shall take steps to expand the number of residencies in family practice statewide in the 1972-1973, 1973-1974, 1974-1975, 1975-1976, and 1976-1977 fiscal years.

23407. This article shall become operative only if its provisions become applicable to the University of California upon the adoption of a resolution by the Regents of the University of California making the provisions of this article so applicable.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of nine million three hundred sixty thousand dollars (\$9,360,000) to the Regents of the University of California, to be expended during the 1972-1973, 1973-1974, 1974-1975, 1975-1976, and 1976-1977 fiscal years for the purpose of Article 1 (commencing with Section 23401) of Chapter 3 of Division 17 of the Education Code, in accordance with the following schedule:

(a) 1972-1973 fiscal year.

(1) One million two hundred fifty thousand dollars (\$1,250,000) for administration of the Department of Family Practice on the medical campuses of the University of California.

(2) One million six hundred eighty thousand dollars (\$1,680,000), to be expended in connection with residencies in family practice in the state during the 1972-1973 fiscal year.

(b) 1973-1974, 1974-1975, 1975-1976, and 1976-1977 fiscal years:

(1) One million two hundred fifty thousand dollars (\$1,250,000) for administration of the Department of Family Practice on the medical campuses of the University of California.

(2) Five million one hundred eighty thousand dollars (\$5,180,000), to be expended in connection with residencies in family practice in the state.

CHAPTER 1117

*An act to amend Section 395 of the Code of Civil Procedure,
relating to civil actions.*

[Approved by Governor August 25, 1972 Filed with
Secretary of State August 25, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 395 of the Code of Civil Procedure as amended by Chapter 1640, Statutes 1971 is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

In a proceeding to determine a parental relationship pursuant to Section 231 of the Civil Code, or to enforce an obligation of support pursuant to Section 196a of the Civil Code, the county in which the child or the defendant resides at the commencement of the action is a proper county for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an

obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was signed, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) If within any such county there is a municipal or justice court having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was signed, or in which the defendant resides at the commencement of the action, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

SEC. 2. Section 395 of the Code of Civil Procedure is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried

in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

In a proceeding to determine a parental relationship pursuant to Section 231 of the Civil Code, or to enforce an obligation of support pursuant to Section 196a of the Civil Code, the county in which the child or the defendant resides at the commencement of the action is a proper county for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was entered into, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) If within any such county there is a municipal or justice court having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was entered into, or in which the defendant resides at the commencement of the action, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

(d) Any provision of an obligation described in subdivision (b) or (c) waiving the provisions of those subdivisions is void and unenforceable.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 267 are both chaptered and amend Section 395 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 267, that the amendments to Section 395 proposed by both bills be given effect and incorporated in Section 395 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 267 are both chaptered, both amend Section 395, and Senate Bill No. 267 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1118

An act to amend Section 4700 of the Civil Code, to amend Sections 395, 1681, and 1769 of the Code of Civil Procedure, and to amend Section 11476 of the Welfare and Institutions Code, relating to family law.

[Approved by Governor August 25, 1972. Filed with Secretary of State August 25, 1972.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and cited as the Family Responsibility Act of 1972.

SEC. 2. Section 4700 of the Civil Code, as amended by Chapter 1210 of the Statutes of 1971, is amended to read:

4700. (a) In any proceeding where there is at issue the support of a minor child, the court may order either or both parents to pay any amount necessary for the support, maintenance, and education of the child. Upon a showing of good cause, the court may order the parent or parents required to make such payment of support to give reasonable security therefor. All payments of support shall be made by those persons owing such amounts prior to the payment of any debts owing to creditors. Any order for child support may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of the filing of the notice of motion or order to show cause to modify or revoke, or to any date subsequent thereto. The order of modification or revocation may include an award of attorney fees and court costs to the prevailing party.

(b) When a court orders a person to make specified payments for support of a child during the child's minority, or until such child is married or otherwise emancipated, the liability of such person terminates upon the happening of such contingency. If the custodial parent or other person having physical custody of the child, to whom payments are to be made, fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency, and continues to accept support payments, such person must refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments must first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the custodial parent or other person to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(c) In the event obligations for support of a child are discharged in bankruptcy, the court may make all proper orders for the support,

maintenance and education of such child, as the court may deem just.

SEC. 3. Section 395 of the Code of Civil Procedure, as amended by Chapter 1640 of the Statutes of 1971, is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. In a proceeding to determine parental relation under Section 231 of the Civil Code or to enforce an obligation of support under Section 196a of the Civil Code, the county in which the child resides is the proper county for the trial of the action. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was signed, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) If within any such county there is a municipal or justice court

having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed, or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was signed, or in which the defendant resides at the commencement of the action, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

SEC. 3.5. Section 395 of the Code of Civil Procedure is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. In a proceeding to determine parental relation under Section 231 of the Civil Code or to enforce an obligation of support under Section 196a of the Civil Code, the county in which the child resides is the proper county for the trial of the action. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was entered into, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) If within any such county there is a municipal or justice court having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was entered into, or in which the defendant resides at the commencement of the action, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

(d) Any provision of an obligation described in subdivision (b) or (c) waiving the provisions of those subdivisions is void and unenforceable.

SEC. 4. Section 1681 of the Code of Civil Procedure is amended to read:

1681. (a) The prosecuting attorney on his own initiative shall use all means at his disposal to locate the obligor or his property, and if because of inaccuracies in the petition or otherwise the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended complaint from the initiating court.

(b) If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state or in another state, he shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this title apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he shall forthwith notify the initiating court.

(c) If the prosecuting attorney has no information as to the location of the obligor or his property, he shall so inform the initiating court.

(d) When the plaintiff removes his residence from the county from which the original support order issued to a new county within the state, the plaintiff may initiate a support judgment enforcement action in the court of the new county of residence. The clerk of the court of the new county of residence shall request from the court where the original support order issued, and the court which originally issued the support order shall provide, all documents necessary for the prosecution and enforcement of the support obligation for the purpose of enforcing the defendant's support obligation. The court and prosecuting attorney of the new county of residence shall have the same powers and duties as the court and prosecuting official of the county in which the support order issued originally.

SEC. 5. Section 1769 of the Code of Civil Procedure is amended to read:

1769. (a) At or after hearing, the court may make such orders in respect to the conduct of the spouses and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement the reconciliation of the spouses, but in no event shall such orders be effective for more than 30 days from the hearing of the petition, unless the parties mutually consent to a continuation of such time.

(b) Any reconciliation agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

(c) During the pendency of any proceeding under this chapter, the superior court may order the husband or wife, or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance, and education of the children, as the case may be. In determining the amount, the superior court may take into consideration the recommendations of a financial referee when such referee is available to the court. An order made pursuant to this subdivision shall not prejudice the rights of the parties or children with respect to any subsequent order which may be made. Any such order may be modified or revoked at any time except as to any amount that may have accrued prior to the date of filing of the notice of motion or order to show cause to modify or revoke.

SEC. 6. Section 11476 of the Welfare and Institutions Code, as amended by Chapter 578 of the Statutes of 1971, is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the county department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall

be by registered mail, return receipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the county department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the county department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the county department has obtained sufficient information concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop and furnish to the counties guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate. If the absent parent is residing out of the county and his whereabouts is known, the county department may arrange for the personal contacts and interviews with the absent parent to be conducted by the county department of the county where the parent is located. The department shall provide by regulation for a plan of cooperation between the respective counties, and it shall be the duty of each county upon receiving a request from another county to cooperate and assist promptly in contacting, interviewing, and obtaining support agreements where appropriate from absent parents located within its boundaries.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.
2. The absent parent refuses to make a contribution in accordance with his financial ability.
3. There is reason to believe that the parent may flee or hide if contacted by the county department.
4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.
5. Legal action is necessary to establish paternity.
6. The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that

agreement without showing good cause for such default.

7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

Where a court order has been obtained in the case by the district attorney, any contractual agreement for support between the county welfare department and the absent parent shall be deemed null and void to the extent that it is not consistent with the court order.

In every case which has not been referred to the district attorney, it shall be the duty of the county department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 8. Section 11476 of the Welfare and Institutions Code, as amended by Chapter 578 of the Statutes of 1971, is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall be by registered mail, return receipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the department has obtained sufficient information

concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate.

Anything in this section to the contrary notwithstanding, it shall be the duty of the department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.
2. The absent parent refuses to make a contribution in accordance with his financial ability.
3. There is reason to believe that the parent may flee or hide if contacted by the department.
4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the department to obtain support would be fruitless.
5. Legal action is necessary to establish paternity.
6. The absent parent has entered into an agreement with the department to support his child and has defaulted upon that agreement without showing good cause for such default.
7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

Where a court order has been obtained in the case by the district attorney, any contractual agreement for support between the department and the absent parent shall be deemed null and void to the extent that it is not consistent with the court order.

In every case which has not been referred to the district attorney, it shall be the duty of the department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 9. Section 11476 of the Welfare and Institutions Code, as amended by Chapter 578 of the Statutes of 1971, is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the county department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall be by certified mail, return receipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the county department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the county department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the county department has obtained sufficient information concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop and furnish to the counties guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate. If the absent parent is residing out of the county and his whereabouts is known, the county department may arrange for the personal contacts and interviews with the absent parent to be conducted by the county department of the county where the parent

is located. The department shall provide by regulation for a plan of cooperation between the respective counties, and it shall be the duty of each county upon receiving a request from another county to cooperate and assist promptly in contacting, interviewing, and obtaining support agreements where appropriate from absent parents located within its boundaries.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.
2. The absent parent refuses to make a contribution in accordance with his financial ability.
3. There is reason to believe that the parent may flee or hide if contacted by the county department.
4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.
5. Legal action is necessary to establish paternity.
6. The absent parent has entered into an agreement with the county department to support his child and has defaulted upon that agreement without showing good cause for such default.
7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

Where a court order has been obtained in the case by the district attorney, any contractual agreement for support between the county welfare department and the absent parent shall be deemed null and void to the extent that it is not consistent with the court order.

In every case which has not been referred to the district attorney, it shall be the duty of the county department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as

provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 10. Section 11475 of the Welfare and Institutions Code, as amended by Chapter 578 of the Statutes of 1971, is amended to read:

11476. In all cases in which the whereabouts of the parent is unknown, the department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the whereabouts of the absent parent is known, the department, immediately upon receipt of the application for assistance, shall notify the absent parent of the filing of the application and of his responsibility to complete and return the written statement required by Section 11353. Such notification shall be by certified mail, return receipt requested, and an appropriate form and a stamped envelope shall be provided for its return. If the notice is not delivered within seven days, the department shall cause prompt personal service to be made. If the written statement is not completed and returned within 15 days after service, the department shall refer the matter to the district attorney for prosecution for violation of Section 11353.

When the department has obtained sufficient information concerning the absent parent it shall immediately determine his ability to support his children, make contractual arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the department has not obtained a satisfactory support agreement with the absent parent within 30 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the parent is financially incapable of supporting the child. The department shall develop guidelines and forms for support agreements; such agreements shall provide every safeguard available under the law for effective enforcement of support and collection through enforcement of a legal judgment, including the imposition of liens upon real and personal property where appropriate.

Anything in this section to the contrary notwithstanding, it shall be the duty of the department to refer to the district attorney immediately any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.
2. The absent parent refuses to make a contribution in accordance with his financial ability.
3. There is reason to believe that the parent may flee or hide if contacted by the department.
4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the department to

obtain support would be fruitless.

5. Legal action is necessary to establish paternity.

6. The absent parent has entered into an agreement with the department to support his child and has defaulted upon that agreement without showing good cause for such default.

7. The district attorney has requested that all cases involving parents absent from the home be referred to him immediately upon receipt of the application for assistance.

The department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the department that a child is being considered for adoption, the district attorney shall delay his investigation and other actions with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

Where a court order has been obtained in the case by the district attorney, any contractual agreement for support between the department and the absent parent shall be deemed null and void to the extent that it is not consistent with the court order.

In every case which has not been referred to the district attorney, it shall be the duty of the department to contact the absent parent and to carry out the provisions of this section at the earliest possible date, and to refer the case to the district attorney at once in the event of a refusal to cooperate or an unexplained default as provided above. Upon referral, it shall be the duty of the district attorney to take all appropriate action, civil and criminal, to promptly and effectively enforce the obligation of parents to support their children.

SEC. 11. It is the intent of the Legislature that if this bill and Senate Bill No. 540 or Assembly Bill No. 802, or both, are chaptered and amend Section 11476 of the Welfare and Institutions Code, and this bill is chaptered last, that amendments proposed by each of the bills which are chaptered be given effect as follows:

(a) If this bill and Senate Bill No. 540 are both chaptered and amend Section 11476 of the Welfare and Institutions Code, but Assembly Bill No. 802 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 540, that Section 11476 of the Welfare and Institutions Code as amended by Section 7 of this act shall become operative until the operative date of Senate Bill No. 540 and, on such date, Section 11476 of the Welfare and Institutions Code, as amended by Section 7 of this act, be further amended in the form set forth in Section 8 of this act to incorporate changes in Section 11476 proposed by Senate Bill No.

540. Therefore, if Senate Bill No. 540 is chaptered before this bill and amends Section 11476 and Assembly Bill No. 802 is not chaptered or as chaptered does not amend that section, Section 8 of this act shall become operative on the operative date of Senate Bill No. 540 and Sections 9 and 10 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 802 are both chaptered and amend Section 11476 of the Welfare and Institutions Code, but Senate Bill No. 540 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 802, the amendments proposed by both bills shall be given effect and incorporated in Section 11476 in the form set forth in Section 9 of this act. Therefore, if Assembly Bill No. 802 is chaptered before this bill and both bills amend Section 11476, and Senate Bill No. 540 is not chaptered or as chaptered does not amend that section, Section 9 shall be operative and Sections 7, 8, and 10 of this act shall not become operative.

(c) If this bill and Senate Bill No. 540 and Assembly Bill No. 802 are all chaptered, and all three bills amend Section 11476 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 540 and Assembly Bill No. 802, that Section 11476 of the Welfare and Institutions Code, as amended by Section 9 of this act, shall become operative until the operative date of Senate Bill No. 540 and on such date Section 11476 of the Welfare and Institutions Code, as amended by Section 9 of this act, shall be further amended in the form set forth in Section 10 of this act to incorporate changes in Section 11476 proposed by all three bills. Therefore, if Senate Bill No. 540 and Assembly Bill No. 802 are both chaptered before this bill and all three bills amend Section 11476 of the Welfare and Institutions Code, Section 10 of this act shall become operative on the operative date of Senate Bill No. 540 and Sections 7 and 8 of this act shall not become operative.

SEC. 12. It is the intent of the Legislature, if this bill and Senate Bill No. 267 are both chaptered and amend Section 395 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 267, that the amendments to Section 395 proposed by both bills be given effect and incorporated in Section 395 in the form set forth in Section 3.5 of this act. Therefore, Section 3.5 of this act shall become operative only if this bill and Senate Bill No. 267 are both chaptered, both amend Section 395, and Senate Bill No. 267 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 1119

An act to amend Sections 117 and 395 of the Code of Civil Procedure, relating to venue.

[Approved by Governor August 25, 1972. Filed with
Secretary of State August 25, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 117 of the Code of Civil Procedure as amended by Chapter 572 of the Statutes of 1971 is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed five hundred dollars (\$500), except that a municipal court judge sitting as a small claims court shall also have jurisdiction in proceedings in unlawful detainer after default in rent for residential property where the term of tenancy is not greater than month to month, and where the whole amount claimed is five hundred dollars (\$500) or less.

Such courts shall have jurisdiction in actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

Venue in such actions shall be the same as for civil actions filed in justice or municipal court.

SEC. 2. Section 395 of the Code of Civil Procedure is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the

defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was entered into, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) If within any such county there is a municipal or justice court having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was entered into, or in which the defendant resides at the commencement of the action, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

(d) Any provision of an obligation described in subdivision (b) or (c) waiving the provisions of those subdivisions is void and unenforceable.

SEC. 3. Section 395 of the Code of Civil Procedure is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. In a proceeding to determine parental relation under Section 231 of the Civil Code or to enforce an obligation of support under Section 196a of the Civil Code, the

county in which the child resides is the proper county for the trial of the action. Subject to the provisions of subdivision (b), when a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

(b) Subject to the power of the court to transfer actions or proceedings as provided in this title, in an action founded upon an obligation of the defendant for goods, services, loans or extensions of credit intended primarily for personal, family or household use, other than an obligation described in Section 1812.10 or Section 2984.4 of the Civil Code, the county in which the defendant in fact signed the contract, the county in which the defendant resided at the time the contract was entered into, or the county in which the defendant resides at the commencement of the action is the proper county for the trial thereof.

(c) If within any such county there is a municipal or justice court having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases mentioned in subdivision (a), in which the obligation was contracted to be performed or, in cases mentioned in subdivision (b), in which the defendant in fact signed the contract, in which the defendant resided at the time the contract was entered into, or in which the defendant resides at the commencement of the action, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

(d) Any provision of an obligation described in subdivision (b) or (c) waiving the provisions of those subdivisions is void and unenforceable.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 184 are both chaptered and amend Section 395 of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 184,

that the amendments to Section 395 proposed by both bills be given effect and incorporated in Section 395 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 184 are both chaptered, both amend Section 395, and Senate Bill No. 184 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1120

An act to amend Sections 6755, 6902.05, and 6908 of, and to add Section 11753.2 to, the Education Code, relating to special education.

[Approved by Governor August 25, 1972. Filed with
Secretary of State August 25, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6755 of the Education Code is amended to read:

6755. (a) Admission of minors to programs for the educationally handicapped established under the provisions of this chapter shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of an admission committee which shall include an administrator in charge of special education programs in the school district or county or administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist who has examined the child under consideration for eligibility and placement. The admission committee shall use such health reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, optometrists, or physicians as the committee may require and request.

The recommendation shall include a statement, that in the professional judgment of the members of the admission committee the minor is recommended for placement in a program for educationally handicapped minors to ameliorate a marked learning disability or behavior disorder, or both, associated with a neurological handicap or emotional disturbance, or both. Any member of the admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection and alternative recommendations.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the educationally handicapped for a period

not to exceed 90 days whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for educationally handicapped minors, such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 90-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the admission committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

SEC. 2. Section 6902.05 of the Education Code is amended to read:

6902.05. (a) Admission of a minor to a special educational program for the mentally retarded established under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895 to 895.7, inclusive, shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of a local admission committee which shall include an administrator in charge of special education programs in the district or county or other administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist who has examined the child under consideration for eligibility and placement.

Whenever possible, the person serving on the admission committee for mentally retarded minors may also serve on the admission committee for educationally handicapped minors.

The admission committee shall use such medical reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, or physicians as the committee may require and request. Such recommendation shall include a statement that in the professional judgment of the members of the admission committee the minor recommended for placement in any program for the mentally retarded can reasonably be expected to benefit from such placement. Any member of the local admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the mentally retarded for a period not to exceed 30 schooldays whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for mentally retarded minors. Such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 30-day period such interim placement shall be reviewed by the admission

committee and a final recommendation shall be made by the committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

SEC. 3. Section 6908 of the Education Code is amended to read: 6908. Before any child is placed in a school or class for mentally retarded children, he shall be given a careful individual examination by a credentialed school psychologist, or by a person serving under the supervision of such a school psychologist and holding a credential for that purpose issued by the State Board of Education and a consultation with his parents or guardian held. A psychiatrist or psychologist may be consulted in any specific case when the governing board of the district deems it necessary.

SEC. 4. Section 11753.2 is added to the Education Code, to read: 11753.2. A school psychologist is a credentialed professional whose primary objective is the application of scientific principles of learning and behavior to ameliorate school-related problems and to facilitate the learning and development of children in the public schools of California.

To accomplish this objective the school psychologist provides services to children, teachers, parents, community agencies, and the school system itself. These services include:

(a) Consultation with school administrators concerning appropriate learning objectives for children, planning of developmental and remedial programs for pupils in regular and special school programs, and the development of educational experimentation and evaluation.

(b) Consultation with teachers in the development and implementation of classroom methods and procedures designed to facilitate pupil learning and to overcome learning and behavior disorders.

(c) Consultation with parents to assist in understanding the learning and adjustment processes of children.

(d) Consultation with community agencies, such as probation departments, mental health clinics, and welfare departments, concerning pupils who are being served by such community agencies.

(e) Consultation and supervision of pupil personnel services workers.

(f) Psychoeducational assessment and diagnosis of specific learning and behavioral disabilities, including, but not limited to, case study evaluation, recommendations for remediation or placement, and periodic reevaluation of such children.

(g) Psychological counseling of and other therapeutic techniques with children and parents, including parent education.

SEC. 5. The amendments made to Sections 6755, 6902.05, and 6908 of the Education Code by Sections 1 to 3, inclusive, of this act and the provisions of Section 11753.2 of the Education Code, as added

by Section 4 of this act, shall not apply to the Los Angeles Unified School District until July 1, 1975.

CHAPTER 1121

An act to amend Sections 654 and 668 of, and to add Sections 654.05 and 654.06 to, the Harbors and Navigation Code, relating to vessels.

[Approved by Governor August 25, 1972 Filed with
Secretary of State August 25, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 654 of the Harbors and Navigation Code is amended to read:

654. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled at all times to prevent any excessive or unusual noise.

The provisions of this section shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section shall not apply to motorboats preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

SEC. 2. Section 654.05 is added to the Harbors and Navigation Code, to read:

654.05. No person shall operate any motorboat in or upon the inland waters of this state in such a manner as to exceed the following noise levels:

(a) For engines manufactured on or after January 1, 1974, and before January 1, 1976, a noise level of 86 dbA measured at a distance of 50 feet from the motorboat.

(b) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 84 dbA measured at a distance of 50 feet from the motorboat.

(c) For engines manufactured on or after January 1, 1978, a noise level of 82 dbA measured at a distance of 50 feet from the motorboat.

The provisions of this section shall not apply to motorboats competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section shall not apply to motorboats preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where the preparations will occur.

SEC. 3. Section 654.06 is added to the Harbors and Navigation

Code, to read:

654.06. No person shall sell or offer for sale at retail any internal combustion engine for use on any motorboat which, when operated, exceeds the following noise levels:

(a) For engines manufactured on or after January 1, 1974, and before January 1, 1976, a noise level of 86 dbA measured at a distance of 50 feet from the motorboat.

(b) For engines manufactured on or after January 1, 1976, and before January 1, 1978, a noise level of 84 dbA measured at a distance of 50 feet from the motorboat.

(c) For engines manufactured on or after January 1, 1978, a noise level of 82 dbA measured at a distance of 50 feet from the motorboat.

SEC. 4. Section 668 of the Harbors and Navigation Code is amended to read:

668. (a) Any person who violates any provisions of Section 652, 654, 654.05, 654.06, or 659 and any manufacturer or importer who violates Section 653 of this code or any regulations adopted by the department pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars (\$50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

(b) Any person who violates any provisions of subdivision (a) or (b) of Section 658 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars (\$100) for each violation.

(c) Any person who violates any provision of Sections 652.5, 655, 656, or subdivision (d) or (e) of Section 658 of this code or any special rules and regulations adopted by the department pursuant to the provisions of subdivisions (b) or (c) of Section 660 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars (\$500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

SEC. 5. The provisions of this act shall become operative on July 1, 1973.

CHAPTER 1122

An act to amend Sections 1171, 1173, 1174, 1178, 1182, 1183, 1185, 1191, 1193, 1193.5, 1193.6, 1194, 1194.5, 1195, 1195.5, 1197, and 1199 of, and to amend the heading of Part 4 (commencing with Section 1171) of Division 2 of, the Labor Code, relating to employees.

[Approved by Governor August 25, 1972 Filed with
Secretary of State August 25, 1972]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 4 (commencing with Section 1171) of Division 2 of the Labor Code is amended to read:

PART 4. EMPLOYEES

SEC. 2. Section 1171 of the Labor Code is amended to read:

1171. The provisions of this chapter shall apply to and include men, women and minors employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, but shall not include any individual employed as an outside salesman.

SEC. 3. Section 1173 of the Labor Code is amended to read:

1173. It shall be the continuing duty of the Industrial Welfare Commission, hereinafter referred to in this chapter as the commission, to ascertain the wages paid to all employees in this state, and to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in this state, and to investigate the comfort, health, safety, and welfare of such women and minors.

SEC. 4. Section 1174 of the Labor Code is amended to read:

1174. Every person employing labor in this state shall:

(a) Furnish to the commission, at its request, reports or information which the commission requires to carry out this chapter. Such reports and information shall be verified if required by the commission or any member thereof.

(b) Allow any member of the commission or the employees of the Division of Industrial Welfare free access to the place of business or employment of such person to secure any information or make any investigation which they are authorized by this chapter to ascertain or make. The commission may inspect or make excerpts, relating to the employment of employees, from the books, reports, contracts, payrolls, documents, or papers of such person.

(c) Keep a record showing the names and addresses of all employees employed and the ages of all minors.

(d) Keep at the plants or establishments at which employees are employed, payroll records showing the hours worked daily by, and the wages paid to, employees employed at the respective plants or establishments, and which shall be kept in accordance with rules established for this purpose by the commission. All such records shall be kept on file for at least one year.

SEC. 5. Section 1178 of the Labor Code is amended to read:

1178. If after investigation the commission finds that in any occupation, trade, or industry, the wages paid to employees are inadequate to supply the cost of proper living, or that the hours or conditions of labor are prejudicial to the health, morals, or welfare of women and minor employees, the commission shall select a wage board to consider any of such matters. Such wage board shall be composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question; and a

representative of the commission to be designated by it, who shall act as chairman of the wage board on request of the commission. The wage board shall report and make recommendations to the commission, including therein:

(a) An estimate of the minimum wage adequate to supply the necessary cost of proper living to, and maintain the health and welfare of employees engaged in the occupation, trade, or industry in question.

(b) The number of hours of work per day in the occupation, trade, or industry in question, consistent with the health and welfare of women and minor employees.

(c) The standard conditions of labor in the occupation, trade, or industry in question, demanded by the health and welfare of women and minor employees.

Before promulgating an order relating to wages, hours, or conditions of labor for the occupation, trade, or industry in question, and after receipt of the report from the wage board, the commission shall prepare proposed regulations for the occupation, trade, or industry in question and then shall hold a public hearing. The proceedings shall be recorded and transcribed and shall thereafter be a matter of public record. Whenever the occupation, trade, or industry in question is statewide in scope, a public hearing shall be held in each of two cities in this state; when it is not statewide, a public hearing shall be held in the locality where the occupation, trade, or industry prevails.

SEC. 6. Section 1182 of the Labor Code is amended to read:

1182. After the wage board conference and public hearing, as provided in this chapter, the commission may, upon its own motion or upon petition, fix:

(a) A minimum wage to be paid to employees engaged in any occupation, trade, or industry in this state, which shall not be less than a wage adequate to supply the necessary costs of proper living to, and maintain the health and welfare of such employees.

(b) The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade, or industry in this state. The hours so fixed shall not be more than the maximum now or hereafter fixed by law.

(c) The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this state.

The commission may thereupon make a mandatory order during the first three calendar months of the year, to be effective on a date fixed by the commission, which date shall not be less than 60 nor more than 90 days from the publication thereof, specifying the minimum wage to be paid all employees, and the maximum hours and the standard conditions of labor for women or minors in the occupation, trade, or industry in question. The hours specified shall not be more than the maximum for women or minors in California. Such order shall be published in at least one newspaper in each of

the Cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno, San Diego, and San Francisco.

SEC. 7. Section 1183 of the Labor Code is amended to read:

1183. The commission shall send by mail, so far as practicable, to each employer in the occupation or industry in question a copy of the order authorized by Section 1182, and such employer shall post a copy thereof in the building in which employees affected by the order are employed. The commission shall also send a copy of such order to each employer registering his name with the commission for such purpose, but failure to mail such order or notice thereof to any employer affected thereby shall not relieve the employer from the duty of complying with the order. A finding by the commission that there has been the publication as herein provided is conclusive.

SEC. 8. Section 1185 of the Labor Code is amended to read:

1185. The orders of the commission fixing minimum wages for all employees, and maximum hours and standard conditions of labor for women and minors, when promulgated in accordance with the provisions of this chapter, shall be valid and operative and such orders are hereby expressly exempted from the provisions of Article 4 (commencing with Section 11420) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 9. Section 1191 of the Labor Code is amended to read:

1191. For any occupation in which a minimum wage has been established, the commission may issue to an employee who is mentally or physically handicapped, or both, a special license authorizing the employment of the licensee for a period not to exceed one year from date of issue, at a wage less than the legal minimum wage. The commission shall fix a special minimum wage for the licensee. Such license may be renewed on a yearly basis.

SEC. 10. Section 1193 of the Labor Code is amended to read:

1193. The commission may fix the maximum number of employees to be employed under the licenses provided for in Sections 1191 and 1192 in any occupation, trade, industry, or establishment in which a minimum wage has been established.

SEC. 11. Section 1193.5 of the Labor Code is amended to read:

1193.5. The provisions of this chapter shall be administered and enforced by the division. Any authorized representative of the division shall have authority to:

(a) Investigate and ascertain the wages of all employees, and the hours and working conditions of women and minors employed in any occupation in the state;

(b) Supervise the payment of unpaid minimum wages owing to any employee or unpaid overtime compensation owing to any woman or minor under the provisions of this chapter or the orders of the commission. Acceptance of payment of sums found to be due on demand of the division shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194.

Unpaid minimum wages or unpaid overtime wages recovered by the division under the provisions of this section which for any reason

cannot be delivered within six months from date of collection to the employee for whom such wages were collected shall be deposited into the Special Deposit Fund in the State Treasury.

SEC. 12. Section 1193.6 of the Labor Code is amended to read:

1193.6. The department or division may, with the consent of the employee or employees affected, commence and prosecute a civil action to recover unpaid minimum wages owing to any employee or unpaid overtime compensation owing to any woman or minor employee under the provisions of this chapter or the orders of the commission, and, in addition to such wages and compensation, shall be entitled to recover costs of suit. The consent of any employee to the bringing of any such action shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194 unless such action is dismissed without prejudice by the department or the division.

SEC. 13. Section 1194 of the Labor Code is amended to read:

1194. Any employee receiving less than the legal minimum wage or any woman or minor receiving less than the legal overtime compensation applicable to such woman or minor is entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage or overtime compensation, together with costs of suit, notwithstanding any agreement to work for a lesser wage.

SEC. 14. Section 1194.5 of the Labor Code is amended to read:

1194.5. In any case in which a person employing an employee has willfully violated any of the laws, regulations, or orders governing the wages, hours of work, or working conditions of such employee, the division may seek, in a court of competent jurisdiction, and the court may grant, an injunction against any further violations of any such laws, regulations, or orders by such person.

SEC. 15. Section 1195 of the Labor Code is amended to read:

1195. Any person may register with the Division of Industrial Welfare a complaint that the wage paid to an employee for whom a minimum wage has been fixed by the commission is less than that rate. The division shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the minimum wage.

SEC. 16. Section 1195.5 of the Labor Code is amended to read:

1195.5. The Division of Industrial Welfare shall determine, upon request, whether the wages of employees, which exceed the minimum wages fixed by the commission, have been correctly computed and paid. For this purpose, the division may examine the books, reports, contracts, payrolls and other documents of the employer relative to the employment of employees. The division shall enforce the payment of any sums found, upon examination, to be due and unpaid to the employees.

SEC. 17. Section 1197 of the Labor Code is amended to read:

1197. The minimum wage for employees fixed by the commission is the minimum wage to be paid to employees, and the payment of a less wage than the minimum so fixed is unlawful.

SEC. 18. Section 1199 of the Labor Code is amended to read:

1199. Every employer or other person acting either individually or as an officer, agent, or employee of another person is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars (\$50) or by imprisonment for not less than 30 days, or by both, who does any of the following:

(a) Requires or causes any woman or minor to work for longer hours than those fixed, or under conditions of labor prohibited by an order of the commission.

(b) Pays or causes to be paid to any employee a wage less than the minimum fixed by an order of the commission.

(c) Violates or refuses or neglects to comply with any provision of this chapter or any order or ruling of the commission.

(d) Pays or causes to be paid any employee a wage less than the rate paid to an employee of the opposite sex as required by Section 1197.5 of this code.

(e) Reduces the wages of any employee in order to comply with Section 1197.5.

CHAPTER 1123

An act to amend Sections 17301 and 17303.5 of, and to add Article 12 (commencing with Section 18151) to Chapter 3 of Division 14 of, the Education Code, and to repeal Chapter 1619 of the Statutes of 1971, relating to handicapped students at community colleges.

[Approved by Governor August 25, 1972. Filed with
Secretary of State August 25, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars (\$180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set

forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, ninety-nine dollars and twenty-three cents (\$99.23) for the fiscal year 1973-1974 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which seventy cents (\$.70) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds exceeds twenty-one dollars and fifty cents (\$21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Section 17303 or 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256 and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 2. Section 17303.5 of the Education Code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following

schedule:

(a) Twenty-one dollars and fifty cents (\$21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy cents (\$0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars and forty cents (\$4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Nineteen dollars and fifty-two cents (\$19.52) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Article 11 (commencing with Section 18101) of Chapter 3 of this division.

(d) Three dollars and six cents (\$3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) One dollar and sixty-seven cents (\$1.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Sixty dollars and ninety-two cents (\$60.92) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, supplemental support, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(g) Eight dollars and sixty-five cents (\$8.65) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for

purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

(h) Thirty-one cents (\$0.31) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, community college, and adult schools in the state and to county school tuition funds for the purposes of Article 12 (commencing with Section 18151) of this chapter.

SEC. 3. Article 12 (commencing with Section 18151) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 12. Handicapped Students at Community Colleges

18151. (a) The Superintendent of Public Instruction shall apportion to each community college district and to each school district maintaining a community college, for the purpose of funding the excess direct district cost of providing special facilities, special educational material, educational assistance, mobility assistance, and transportation for physically handicapped students 21 years of age or older enrolled at a community college who have demonstrated a financial need for such benefits, an amount not exceeding four hundred dollars (\$400) in each fiscal year for each physically handicapped student 21 years of age or older enrolled at a community college who has demonstrated a financial need therefor.

(b) Each district applying for the apportionments authorized by this section shall require each physically handicapped student for whom benefits are to be provided to submit to the community college a statement of his financial condition. The community college shall grant such benefits on the basis of the demonstrated financial need of the applicant therefor. The Board of Governors of the California Community Colleges shall adopt rules and regulations for determining when such financial need exists. The financial status of his parents shall be taken into consideration in determining the financial need of an applicant.

(c) No community college district or school district maintaining a community college may apply for an apportionment pursuant to this section unless it first certifies that it has made every reasonable effort to secure federal funds or other state funds for the purpose, and has been unable to secure sufficient funds.

SEC. 4. Chapter 1619 of the Statutes of 1971 is repealed.

SEC. 5. The amendments made to Sections 17301 and 17303.5 by Sections 1 and 2, respectively, of this act shall become operative on July 1, 1973.

SEC. 6. Funds appropriated for expenditure pursuant to Chapter 1619 of the Statutes of 1971 by Item 267 of the Budget Act of 1972 shall be expended pursuant to Article 12 (commencing with Section 18151) of Chapter 3 of Division 14 of the Education Code, as added by this act.

CHAPTER 1124

An act to add Section 21700.5 to the Vehicle Code, relating to buses.

[Approved by Governor August 25, 1972. Filed with Secretary of State August 25, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 21700.5 is added to the Vehicle Code, to read:
21700.5. No person shall knowingly drive a bus within the City of San Diego which is transporting any public or private school pupil who is enrolled in kindergarten or any of grades 1 to 12, inclusive, to or from a public or private school, unless every such pupil is seated in a seat.

CHAPTER 1125

An act to amend Sections 31676.1 and 31676.11 of, and to add Section 31625.2 to, the Government Code, relating to county employee retirement.

[Approved by Governor August 28, 1972. Filed with Secretary of State August 28, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31625.2 is added to the Government Code, to read:

31625.2. Notwithstanding any other provisions of this chapter, contributions shall not be deducted from the salary of any member having credit for 30 years' service providing such member was a member on the effective date of this section and remained in membership continuously until credited with 30 years' service

SEC. 2. Section 31676.1 of the Government Code is amended to read:

31676.1. This section shall apply in any county having a population in excess of 295,000 computed according to the population figures set forth in Section 28020 of this code as it existed on the 91st day following the adjournment of the 1953 session of the Legislature. This section may be made applicable in any other county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service

retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age of retirement	Fraction	
	Men	Women
50 .....	.6852	.7091
50 ¹ / ₄.....	.6945	.7183
50 ¹ / ₂.....	.7037	.7274
50 ³ / ₄.....	.7130	.7366
51 .....	.7222	.7457
51 ¹ / ₄.....	.7314	.7547
51 ¹ / ₂.....	.7406	.7637
51 ³ / ₄.....	.7498	.7726
52 .....	.7590	.7816
52 ¹ / ₄.....	.7684	.7907
52 ¹ / ₂.....	.7779	.7999
52 ³ / ₄.....	.7873	.8090
53 .....	.7967	.8181
53 ¹ / ₄.....	.8065	.8275
53 ¹ / ₂.....	.8164	.8369
53 ³ / ₄.....	.8262	.8462
54 .....	.8360	.8556
54 ¹ / ₄.....	.8465	.8656
54 ¹ / ₂.....	.8570	.8755
54 ³ / ₄.....	.8674	.8855
55 .....	.8779	.8954
55 ¹ / ₄.....	.8893	.9061
55 ¹ / ₂.....	.9006	.9168
55 ³ / ₄.....	.9119	.9275
56 .....	.9232	.9382
56 ¹ / ₄.....	.9355	.9498
56 ¹ / ₂.....	.9478	.9614
56 ³ / ₄.....	.9602	.9730
57 .....	.9725	.9846
57 ¹ / ₄.....	.9860	.9972
57 ¹ / ₂.....	.9994	1.0098
57 ³ / ₄	1.0129	1.0224
58	1.0264	1.0350
58 ¹ / ₄	1.0411	1.0487
58 ¹ / ₂	1.0559	1.0625
58 ³ / ₄	1.0706	1.0762
59	1.0853	1.0899
59 ¹ / ₄	1.1015	1.1049
59 ¹ / ₂	1.1176	1.1199

59 $\frac{3}{4}$	1.1338	1.1349
60	1.1500	1.1500
60 $\frac{1}{4}$	1.1610	1.1611
60 $\frac{1}{2}$	1.1721	1.1723
60 $\frac{3}{4}$	1.1832	1.1835
61	1.1943	1.1947
61 $\frac{1}{4}$	1.2091	1.2097
61 $\frac{1}{2}$	1.2239	1.2247
61 $\frac{3}{4}$	1.2387	1.2398
62	1.2535	1.2548
62 $\frac{1}{4}$	1.2691	1.2707
62 $\frac{1}{2}$	1.2848	1.2867
62 $\frac{3}{4}$	1.3004	1.3026
63	1.3160	1.3186
63 $\frac{1}{4}$	1.3326	1.3355
63 $\frac{1}{2}$	1.3491	1.3525
63 $\frac{3}{4}$	1.3657	1.3695
64	1.3822	1.3865
64 $\frac{1}{4}$	1.3998	1.4047
64 $\frac{1}{2}$	1.4173	1.4229
64 $\frac{3}{4}$	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system.

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

SEC. 3. Section 31676.11 of the Government Code is amended to read:

31676.11. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age at retirement	Fraction	
	Men	Women
50 .....	.7279	.7454
50 ¹ / ₄.....	.7393	.7561
50 ¹ / ₂.....	.7506	.7668
50 ³ / ₄.....	.7619	.7775
51 .....	.7732	.7882
51 ¹ / ₄.....	.7885	.7998
51 ¹ / ₂.....	.7978	.8114
51 ³ / ₄.....	.8102	.8230
52 .....	.8225	.8346
52 ¹ / ₄.....	.8360	.8472
52 ¹ / ₂.....	.8494	.8598
52 ³ / ₄.....	.8629	.8724
53 .....	.8764	.8850
53 ¹ / ₄.....	.8911	.8987
53 ¹ / ₂.....	.9059	.9125
53 ³ / ₄.....	.9206	.9262
54 .....	.9353	.9399
54 ¹ / ₄.....	.9515	.9549
54 ¹ / ₂.....	.9676	.9699
54 ³ / ₄.....	.9838	.9849
55	1.0000	1.0000
55 ¹ / ₄	1.0110	1.0111
55 ¹ / ₂	1.0221	1.0223
55 ³ / ₄	1.0332	1.0335
56	1.0443	1.0447
56 ¹ / ₄	1.0591	1.0597
56 ¹ / ₂	1.0739	1.0747
56 ³ / ₄	1.0887	1.0898
57	1.1035	1.1048
57 ¹ / ₄	1.1191	1.1207
57 ¹ / ₂	1.1348	1.1367
57 ³ / ₄	1.1504	1.1526
58	1.1660	1.1686
58 ¹ / ₄	1.1826	1.1855
58 ¹ / ₂	1.1991	1.2025
58 ³ / ₄	1.2157	1.2195
59	1.2322	1.2365
59 ¹ / ₄	1.2498	1.2547
59 ¹ / ₂	1.2673	1.2729
59 ³ / ₄	1.2849	1.2911
60	1.3025	1.3093
60 ¹ / ₄	1.3153	1.3221
60 ¹ / ₂	1.3282	1.3350
60 ³ / ₄	1.3411	1.3479
61	1.3540	1.3608
61 ¹ / ₄	1.3668	1.3736
61 ¹ / ₂	1.3797	1.3865

61 $\frac{3}{4}$	1.3926	1.3994
62	1.4055	1.4123
62 $\frac{1}{4}$	1.4183	1.4251
62 $\frac{1}{2}$	1.4312	1.4380
62 $\frac{3}{4}$	1.4441	1.4509
63	1.4570	1.4638
63 $\frac{1}{4}$	1.4698	1.4766
63 $\frac{1}{2}$	1.4827	1.4895
63 $\frac{3}{4}$	1.4956	1.5024
64	1.5085	1.5153
64 $\frac{1}{4}$	1.5213	1.5281
64 $\frac{1}{2}$	1.5342	1.5410
64 $\frac{3}{4}$	1.5471	1.5539
65	1.5600	1.5668

In any county operating under this section any limitations in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Wherever in this chapter reference is made to survivorship benefits and rights under Section 31676.1, the same shall apply to this section.

CHAPTER 1126

An act to amend Sections 31652 and 31672 of, and to repeal Section 31652.2 of, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 28, 1972. Filed with
Secretary of State August 28, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 31652 of the Government Code as amended by Chapter 504 of the Statutes of 1971 is amended to read:

31652. (a) Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments over a period of one year or for a longer time upon approval of the board, an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of reentrance into the retirement system, and his membership is the same as if unbroken by such termination. Except as provided in this section his rate of contribution shall be based on age at the nearest birthday at time of reentrance into the system. If he does not redeposit all of the accumulated normal contributions previously withdrawn he shall be considered as a new member without credit for any previous service.

“Regular interest” as used in this section shall mean that amount

of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contributions required by this section had been on deposit from the date of reentrance into the retirement system until the amount required to be deposited has been paid.

(b) Any member who left county service on or before December 31, 1971, and thereafter again became a member of the county system which he left and (1) who did not withdraw his accumulated normal contributions, or (2) who elected to leave his accumulated normal contributions on deposit pursuant to Article 9 (commencing with Section 31700), or (3) who redeposited or redeposits withdrawn accumulated normal contributions plus interest as authorized in Section 31652, shall be eligible for all benefits granted a member entering a reciprocal retirement system under Article 15 (commencing with Section 31830), including the benefits granted to members who left their accumulated contributions on deposit or who redeposited their accumulated contributions pursuant to Section 31831.1.

(c) Any member who left county service on or after January 1, 1972, and who within 90 days thereafter again became a member of the county system which he left and (1) who did not withdraw his accumulated normal contributions, or (2) who elected to leave his accumulated normal contributions on deposit pursuant to Article 9 (commencing with Section 31700), or (3) who redeposits or redeposited his withdrawn accumulated normal contributions plus interest as authorized by Section 31652 within 180 days after leaving county service, shall be eligible for all benefits granted a member entering a reciprocal retirement system under Article 15 (commencing with Section 31830), except that Section 31831.1 shall not apply to such members.

(d) This section shall not apply to members who are retired or who are not in service of an employer making him a member of this system.

SEC. 2. Section 31652.2 of the Government Code is repealed.

SEC. 3. Section 31672 of the Government Code is amended to read:

31672. Any member who has reached the age of 70 years or any member who has completed 10 years of service and who has reached the age of 55, or any member who has completed 30 years of service regardless of age, may be retired upon filing with the board a written application, setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date of filing the application. The age of 55 in the preceding sentence may be reduced to age 50 in any county by resolution of the board of supervisors.

CHAPTER 1127

An act to amend Section 5116 of the Welfare and Institutions Code, relating to care homes.

[Approved by Governor August 28, 1972. Filed with Secretary of State August 28, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5116 of the Welfare and Institutions Code as amended by Chapter 1163 of the Statutes of 1971 is amended to read:

5116. Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if such homes provide care on a 24-hour-a-day basis.

Such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Nothing in this paragraph shall be construed to prohibit any city or county from requiring a conditional use permit in order to maintain any home pursuant to the provisions of this paragraph; provided that no conditions shall be imposed on such homes which are more restrictive than those imposed on other similar dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents.

CHAPTER 1128

An act to amend Section 1413 of the Labor Code, relating to domestic workers.

[Approved by Governor August 28, 1972. Filed with Secretary of State August 28, 1972.]

The people of the State of California do enact as follows:

SECTION 1. * Section 1413 of the Labor Code is amended to read: 1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances,

terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly; the state or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

(e) "Employee" does not include any individual employed by his parents, spouse or child.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

(g) "Affirmative actions" means any educational activity for the purpose of securing greater employment opportunities for members of racial, religious, or nationality minority groups and any promotional activity designed to secure greater employment opportunities for the members of such groups on a voluntary basis.

CHAPTER 1129

An act to amend Sections 13210, 13352, and 13550 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor August 28, 1972. Filed with Secretary of State August 28, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13210 of the Vehicle Code is amended to read:

13210. Notwithstanding any other provision of this code, whenever any person is convicted for the first time of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, other than under Section 23101 or 23106, the court shall order the department to suspend the person's driving privilege unless the person shows good cause why such order should not be made. If the court does not order such suspension, the court may limit the person's driving privilege as a condition of probation without notifying the department of such condition.

SEC. 2. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall, except for a conviction or finding described in subdivision (a) where the court does not order the department to suspend, immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of

a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101 or 23106 such privilege shall be suspended for a period of six months, if the court orders the department to suspend such privilege.

(b) Upon a first such conviction or finding under Section 23101 or 23106 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or any combination of such convictions or findings within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 or 23106 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (b) of Section 23105, or any combination of such convictions or findings within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivision (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court, specified in the first paragraph of this section shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

SEC. 3. Section 13550 of the Vehicle Code is amended to read:
13550. Whenever any person is convicted of any offense for which this code makes mandatory the revocation or suspension by the department of the privilege of the person to operate a motor vehicle, the privilege of the person to operate a motor vehicle is suspended or revoked until the department takes the action required by this code, and the court in which the conviction is had shall require the surrender to it of the driver's license issued to the person convicted and the court shall within 10 days after the conviction forward the same with the required report of such conviction to the department.

CHAPTER 1130

An act to add Division 12.5 (commencing with Section 15000) to the Health and Safety Code, relating to hospitals, and making an appropriation therefor.

[Approved by Governor November 21, 1972. Filled with Secretary of State November 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) California is situated on the rim of the great Circum-Pacific seismic belt and it is inevitable that strong seismic disturbances along this belt will cause extensive property damage and endanger the lives of all people who enter or are near buildings which may collapse or be seriously damaged by such seismic disturbances.

(b) It is reasonable to expect that any building located anywhere within California will be subjected to the forces generated by a strong earthquake at least once during its life.

(c) Following the 1933 Long Beach earthquake, the Legislature enacted the so-called "Field Act" (Sections 15451 to 15466, inclusive, Education Code) as an urgency measure, which established reasonable minimum standards and procedures for the design and construction of new public school buildings. The durability during subsequent earthquakes of school buildings designed and constructed under the provisions of those statutes, when compared with the durability during the same earthquakes of other buildings not designed and constructed pursuant to the "Field Act," has repeatedly illustrated the prudence of such legislation.

(d) The San Fernando Valley earthquake of February 9, 1971, although moderate in terms of total energy release, resulted in such total collapse or damage as made many hospital buildings inoperable.

Some of these damaged or destroyed hospital buildings were relatively new structures, designed and constructed to meet the standards as prescribed by most local jurisdictions throughout the State of California.

SEC. 2. It is the intent of the Legislature that hospitals, which house patients having less than the capacity of normally healthy persons to protect themselves, and which must be completely functional to perform all necessary services to the public after a disaster, shall be designed and constructed to resist, insofar as practicable, the forces generated by earthquakes, gravity, and winds. In order to accomplish this purpose the Legislature intends to establish proper building standards for earthquake resistance based upon current knowledge, and intends that procedures for the design and construction of hospitals be subjected to independent review. It is further the intent of the Legislature that Division 12.5 (commencing with Section 15000) of the Health and Safety Code shall be administered by the State Department of Public Health, which shall contract for enforcement of such provisions with the Department of General Services which now successfully enforces the provisions of the "Field Act."

SEC. 3. Division 12.5 (commencing with Section 15000) is added to the Health and Safety Code, to read:

DIVISION 12.5. BUILDINGS USED BY THE PUBLIC

CHAPTER 1. HOSPITALS

15000. It is the intent of the Legislature that the Department of General Services shall analyze the structural systems and details, as set forth in the working drawings and specifications, and observe the construction of hospital projects and report the findings of such analysis to the state department. It is further the intent of the Legislature to preempt from local jurisdictions the enforcement of building regulations adopted pursuant to this chapter including the plan checking. It is further the intent of the Legislature that where local jurisdictions have more restrictive standards for the enforcement of building regulations and construction supervision, such standards shall be enforced by the state.

15001. "Hospital building," as used in this chapter, means and includes any building used, or designed to be used, for a hospital and shall include all of the following:

(a) All hospitals of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1400) of Division 2 and facilities of a type required to be licensed pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code.

(b) Institutions conducted, maintained, or operated by this state or any state department, authority, district, bureau, commission, or officer or by the Regents of the University of California, or by a board of supervisors of a county under the provisions of Chapter 2.5 (commencing with Section 1440) of Division 2, which, except for the exemption provided by Section 1415, would be encompassed by the terms of subdivision (a).

15002. "Construction or alteration," as used in this chapter, includes any construction, reconstruction, or alteration of, or addition to, any hospital building.

15003. "Architect," as used in this chapter, means a person who is certified and holds a valid license under Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code.

15004. "Structural engineer," as used in this chapter, means a person who is validly certified to use the title structural engineer under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code.

15005. "Engineering geologist," as used in this chapter, means a person who is validly certified under Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code.

15006. The state department, through its contract with the Department of General Services, shall observe the construction of, or addition to, any hospital building or, if the work alters structural elements, the reconstruction or alteration of any hospital building, as it deems necessary to comply with the provisions of this chapter for the protection of life and property.

15007. The state department, through its contract with the Department of General Services, shall pass upon and approve or reject all plans for the construction or the alteration of any hospital building, independently reviewing the design and geological data to assure compliance with requirements of this chapter. Geological data shall be reviewed by an engineering geologist and structural design data shall be reviewed by a structural engineer. The governing board of each hospital or other hospital governing authority, before adopting any plans for such hospital building, shall submit the plans to the state department for approval and shall pay the fees prescribed in this chapter.

15008. In each case, the application for approval of the plans shall be accompanied by the plans and full, complete, and accurate specifications, and structural design computations, and the specified fee, which shall comply with requirements prescribed by the state department.

15009. Plans submitted pursuant to this chapter for work which affects structural elements shall contain an assessment of the nature of the site and potential for earthquake damage, based upon geologic and engineering investigations by competent personnel of the causes of earthquake damage. One-story Type V construction of 4,000 square feet or less shall be exempt from the provisions of this section.

15010. The engineering investigation shall be correlated with the

geologic evaluation made pursuant to Section 15009.

15011. The application shall be accompanied by a filing fee in an amount which the state department determines will cover the costs of administering this chapter. Such fee shall be based on a uniform percentage of the estimated construction cost, and shall not exceed 0.7 percent of the estimated construction cost.

The minimum fee in any case shall be one hundred dollars (\$100). If the actual construction cost exceeds the estimated construction cost by more than 5 percent, a further fee shall be paid to the state department, based on the above schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

15012. All fees shall be paid into the State Treasury and credited to the Hospital Building Account, which is hereby created in the Architecture Public Building Fund, and are continuously appropriated without regard to fiscal years for the use of the state department, subject to approval of the Department of Finance, in carrying out the provisions of this chapter. Adjustments in the amounts of the fees, as determined by the state department and approved by the Department of Finance, shall be made within the limits set in Section 15011 in order to maintain a reasonable working balance in the account.

15013. All plans and specifications shall be prepared under the responsible charge of an architect or a structural engineer, or both. A structural engineer shall prepare the structural design and shall sign plans and specifications related thereto. Administration of the work of construction shall be under the responsible charge of such architect and structural engineer, except that where plans and specifications for alterations or repairs do not affect architectural or structural conditions, such plans and specifications may be prepared and work of construction may be administered by a professional engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications, and estimates and work of construction are applicable.

15014. Before letting any contract for any construction or alteration of any hospital building, the written approval of the plans as to safety of design and construction, by the state department, through its contract with the Department of General Services, shall be first had and obtained.

15015. No contract for the construction or alteration of any hospital building, made or executed on or after the effective date of this chapter by the governing board or authority of any hospital or other similar public board, body, or officer otherwise vested with authority to make or execute such a contract, is valid, and no money shall be paid for any work done under such a contract or for any labor or materials furnished in constructing or altering any such building, (1) unless the plans and specifications comply with the provisions of

this chapter and the requirements prescribed by the state department, and (2) the approval thereof in writing has first been had and obtained from the state department, through its contract with the Department of General Services, and (3) the hospital building is to be accessible to, and usable by, the physically handicapped, and (4) the plans and specifications comply with the fire and panic safety requirements of the State Fire Marshal.

15016. The state department, through its contract with the Department of General Services, shall make such inspection of the hospital buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of this chapter and the protection of the safety of the public. The hospital governing board or authority shall provide for and require competent, adequate, and continuous inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer, or both, and the state department. The inspector shall act under the direction of the architect or structural engineer, or both, and be responsible to the board or authority. Notwithstanding any other provision of this section, where alterations or repairs are to be conducted under the supervision of a professional engineer pursuant to Section 15013, the inspector need only be satisfactory to the state department and to the professional engineer, and the inspector shall act under the direction of the professional engineer. In approving any inspector, the state department shall consult with the Department of General Services.

15017. From time to time, as the work of construction or alteration progresses and whenever the Department of General Services requires, the architect or structural engineer, or both, in charge of construction or registered engineer in charge of other work, the inspector on the work, and the contractor shall each make to the Department of General Services a report, duly verified by him, upon a form prescribed by the state department, in consultation with the Department of General Services, showing, of his own personal knowledge, that the work during the period covered by the report has been performed and materials used and installed are in accordance with the approved plans and specifications, setting forth such detailed statements of fact as are required by the Department of General Services.

The term "personal knowledge," as used in this section and as applied to the architect or registered engineer, or both, means personal knowledge which is the result of such general administration of construction as is required and accepted of, and for, such persons in the construction of buildings. Such persons shall, however, use reasonable diligence to obtain the information required.

The term "personal knowledge," as applied to the inspector, means the actual personal knowledge of the inspector obtained by his personal, continuous observation of the work of construction at the construction site in all stages of progress.

15018. Upon written request to the state department by the governing board or authority of any hospital, the state department through contract with the Department of General Services shall make, or cause to be made, an examination and report on the structural condition of any hospital building subject to the payment by the governing board or authority of the actual expenses incurred by the state department.

15019. The state department may call upon the Department of General Services to make a periodic review of hospital operation to assure that the hospital is adequately prepared to resist damage caused by earthquake tremor. The review shall include, but not be limited to, evaluations of the structural safety of elevators, standby equipment and emergency procedures, and procedures and facilities for storage of dangerous gases, liquids, and solids. The governing board or authority of the hospital shall reimburse the state department for actual expenses incurred in making such review. The state department shall contract with the Department of General Services for such services.

15020. The state department, with the advice of the Department of General Services, shall from time to time make such rules and regulations as it deems necessary, proper, or suitable to effectually carry out the provisions of this chapter.

15021. There is in the state department a Building Safety Board which shall advise and act as a board of appeals with regard to seismic structural safety of hospitals. The Director of Public Health, with the advice of the Department of General Services, shall appoint the members of the Building Safety Board, which shall advise and act as a board of appeals in all matters affecting seismic structural safety in the administration and enforcement of this chapter. The board shall consist of 11 members appointed by the Director of Public Health and six ex officio members who are: the Director of Public Health, the State Architect, the State Fire Marshal, the State Geologist, the Chief of the Bureau of Health Facilities Planning and Construction in the state department and the Chief Structural Engineer of the Schoolhouse Section of the Office of Architecture and Construction in the Department of General Services. Of the appointive members, two shall be structural engineers, two shall be architects, one shall be an engineering geologist, one shall be a soils engineer, one shall be a seismologist, one shall be a mechanical engineer, one shall be an electrical engineer, and one shall be a hospital administrator. The appointive members shall serve at the pleasure of the director. He may also appoint as many other ex officio members as he may desire. Ex officio members are not entitled to vote. Board members, qualified by close connection with hospital design and construction and highly knowledgeable in their respective fields with particular reference to seismic safety, shall be appointed from nominees recommended by the governing bodies of the Structural Engineers Association of California; the California Council, American Institute of Architects; the Earthquake Engineering Research Institute; the

Association of Engineering Geologists; the Consulting Engineers Association of California; the California Hospital Association. Board members shall be residents of California.

15022. The Building Safety Board shall convene upon request of the chairman thereof. He may convene a meeting of the board whenever it may be necessary, in his judgment, for the board to meet. The board shall adopt such rules of procedure as are necessary to enable it to perform its duties. The chairman of the board shall, in his discretion, or upon instructions from the board, designate subcommittees to study and report back to the board upon any technical subject or matter for which an independent review or further study is desired. Members of the board shall be reimbursed from the Hospital Building Account in the Architecture Public Building Fund for their reasonable actual expenses in attending meetings conducted to carry out the provisions of this chapter, but shall receive no compensation for their services.

15023. Any person who violates any provision of this chapter is guilty of a misdemeanor.

CHAPTER 1131

An act to amend Sections 1158a and 1213.5 of, and to add Section 969d to, the Penal Code, relating to sentencing.

[Approved by Governor November 21, 1972. Filed with Secretary of State November 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 969d is added to the Penal Code, to read:

969d. Whenever a defendant uses a firearm to commit one of the offenses recited in Section 12022.5, the fact that the defendant used a firearm may be charged in the accusatory pleading. This charge, if made, shall be added to and be a part of the count or each of the counts of the accusatory pleading which charged the offense. That portion of any count which charges that the defendant used a firearm shall be sufficient if it can be understood therefrom that at the time of his commission of the offense set forth in the count the defendant used a firearm. The nature of the firearm must be set forth. If the defendant pleads not guilty to the offense charged in any count which alleges that the defendant used a firearm, the question whether or not he used the firearm as alleged must be tried by the court or jury which tries the issue upon the plea of not guilty. If the defendant pleads guilty to the offense charged, the question whether or not he used a firearm as alleged must be determined by the court before pronouncing judgment.

SEC. 1.5. Section 969d is added to the Penal Code, to read:

969d. Whenever a defendant uses or is armed with a firearm,

explosive device, or bomb to commit one of the offenses recited in Section 12022.5, the fact that the defendant used or was armed with a firearm, explosive device, or bomb may be charged in the accusatory pleading. This charge, if made, shall be added to and be a part of the count or each of the counts of the accusatory pleading which charged the offense. That portion of any count which charges that the defendant used or was armed with a firearm, explosive device, or bomb shall be sufficient if it can be understood therefrom that at the time of his commission of the offense set forth in the count the defendant used or was armed with a firearm, explosive device, or bomb. The nature of the firearm, explosive device, or bomb must be set forth. If the defendant pleads not guilty to the offense charged in any count which alleges that the defendant used or was armed with a firearm, explosive device, or bomb, the question whether or not he used or was armed with the firearm, explosive device, or bomb as alleged must be tried by the court or jury which tries the issue upon the plea of not guilty. If the defendant pleads guilty to the offense charged, the question whether or not he used or was armed with a firearm, explosive device, or bomb as alleged shall be determined by the court before pronouncing judgment.

SEC. 2. Section 1158a of the Penal Code is amended to read:

1158a. (a) Whenever the fact that a defendant was armed with a weapon either at the time of his commission of the offense or at the time of his arrest, or both, is charged in accordance with section 969c of this code, in any count of the indictment or information to which the defendant has entered a plea of not guilty, the jury, if they find a verdict of guilty of the offense with which the defendant is charged, or of any offense included therein, must also find whether or not the defendant was armed as charged in the count to which the plea of not guilty was entered. The verdict of the jury upon a charge of being armed may be: "We find the charge of being armed contained in the _____ count true," or "We find the charge of being armed contained in the _____ count not true," as they find that the defendant was or was not armed as charged in any particular count of the indictment or information. A separate verdict upon the charge of being armed must be returned for each count which alleges that the defendant was armed.

(b) Whenever the fact that a defendant used a firearm is charged in accordance with Section 969d in any count of the indictment or information to which the defendant has entered a plea of not guilty, the jury if they find a verdict of guilty of the offense with which the defendant is charged must also find whether or not the defendant used a firearm as charged in the count to which the plea of not guilty was entered. A verdict of the jury upon a charge of using a firearm may be: "We find the charge of using a firearm contained in the _____ count true," or "We find the charge of using a firearm contained in the _____ count not true," as they find that the defendant used or did not use a firearm as charged in any particular count of the indictment or information. A separate verdict upon the

charge of using a firearm shall be returned for each count which alleges that defendant used a firearm.

SEC. 2.5. Section 1158a of the Penal Code is amended to read:

1158a. (a) Whenever the fact that a defendant was armed with a weapon either at the time of his commission of the offense or at the time of his arrest, or both, is charged in accordance with Section 969c of this code, in any count of the indictment or information to which the defendant has entered a plea of not guilty, the jury, if they find a verdict of guilty of the offense with which the defendant is charged, or of any offense included therein, must also find whether or not the defendant was armed as charged in the count to which the plea of not guilty was entered. The verdict of the jury upon a charge of being armed may be: "We find the charge of being armed contained in the _____ count true," or "We find the charge of being armed contained in the _____ count not true," as they find that the defendant was or was not armed as charged in any particular count of the indictment or information. A separate verdict upon the charge of being armed must be returned for each count which alleges that the defendant was armed.

(b) Whenever the fact that a defendant used or was armed with a firearm, explosive device, or bomb is charged in accordance with Section 969d in any count of the indictment or information to which the defendant has entered a plea of not guilty, the jury if they find a verdict of guilty of the offense with which the defendant is charged must also find whether or not the defendant used or was armed with a firearm, explosive device, or bomb as charged in the count to which the plea of not guilty was entered. A verdict of the jury upon a charge of being armed may be: "We find the charge of using or being armed with a firearm, explosive device, or bomb contained in the _____ count true," or "We find the charge of using or being armed with a firearm, explosive device, or bomb contained in the _____ count not true," as they find that the defendant used or was armed or did not use or was not armed with a firearm, explosive device, or bomb as charged in any particular count of the indictment or information. A separate verdict upon the charge of using or being armed with a firearm, explosive device, or bomb shall be returned for each count which alleges that defendant used or was armed with a firearm, explosive device, or bomb.

SEC. 3. Section 1213.5 of the Penal Code is amended to read:

1213.5. (a) The abstract of judgment provided for in Section 1213 shall contain all of the following:

(1) A designation of the crime or crimes and the degree thereof, if any, of which defendant has been convicted.

(2) The sections of the Penal Code or other provisions of law of which the designated crimes constitute violations.

(3) A statement of prior convictions which affect the sentence of the defendant.

(4) A statement as to whether or not the defendant was armed with a deadly weapon or a concealed deadly weapon within the

meaning of Sections 969c and 3024 of the Penal Code.

(5) A statement as to whether or not the defendant was armed with a deadly weapon within the meaning of Sections 969c and 12022 of the Penal Code.

(6) A statement as to whether or not the defendant used a firearm within the meaning of Sections 969d and 12022.5 of the Penal Code.

(7) When the circumstances of the conviction are such as to constitute defendant an habitual criminal under subdivision (a) or (b) of Section 644 of the Penal Code, a statement as to whether or not the judge finds defendant is an habitual criminal.

(8) A statement as to how the sentence imposed on each count of which defendant was convicted shall be served with respect to the other counts, if any, of which he was convicted and with respect to any prior uncompleted sentence.

(9) A copy of the order remanding defendant to the custody of the sheriff for delivery to a state prison.

(10) A statement setting forth the number of days the defendant was held in custody as a result of the same criminal act or acts for which he has been convicted.

(b) The form of the abstract of judgment shall be substantially as follows:

Case Nos.: _____
In the Superior Court of the State of California
In and for the _____ County of _____.

Abstract of Judgment
(Commitment to State Prison)

The People of the
State of California
v.

Present:
Hon. _____
Judge of the Superior Court

Prosecuting Attorney

Counsel for Defendant

This certifies that on _____ judgment of conviction of the above-named defendant was entered as follows:

(1) Case No. _____ Count No. _____

On his plea of _____

(guilty, not guilty, former conviction or acquittal, once in jeopardy, not guilty by reason of insanity)

he was convicted by _____ of
(the court or jury)

_____ in violation of
(designation of crime and degree if any, including fact that it constitutes a second or subsequent, if that affects the sentence)

(reference to code or statute, including section and subsection thereof, if any violated) with prior felony convictions as follows:

Date _____ County and state _____ Crime _____ Disposition _____

Defendant has been held in custody for _____ days as a result of the same criminal act or acts for which he has been convicted.

Defendant _____ armed with a deadly weapon at the
(was or was not)

time of his commission of the offense or a concealed deadly weapon at the time of his arrest within the meaning of Sections 969c and 3024 of the Penal Code.

Defendant _____ armed with a deadly weapon at the
(was or was not)

time of his commission of the offense within the meaning of Sections 969c and 12022 of the Penal Code.

Defendant _____ a firearm in his commission
(used or did not use)

of the offense within the meaning of Sections 969d and 12022.5 of the Penal Code.

(Repeat foregoing with respect to each count of which defendant was convicted.)

(2) Defendant _____ adjudged an habitual
(was or was not)

criminal within the meaning of subdivision _____ of Section 644
(a) or (b)

of the Penal Code and the defendant _____ an habitual
(is or is not)

criminal in accordance with the provisions of subdivision (c) of that section.

(3) It is therefore ordered, adjudged and decreed that the said defendant be punished by imprisonment in the state prison of the State of California for the term provided by law, and that he be remanded to the Sheriff of the County of _____, and by him delivered to the Director of Corrections of the State of California at _____.

It is ordered that sentences shall be served in respect to one another as follows (CC or CS):

and in respect to any prior incompleated sentence(s) as follows (CC or CS):

(4) To the Sheriff of the County of _____ and to the Director of Corrections at the _____.

Pursuant to the aforesaid judgment, this is to command you, the said sheriff, to deliver the above-named defendant into the custody of the Director of Corrections at the _____ at your earliest convenience.

Witness my hand and seal of said court this _____ day of _____ 19_____.

By _____ Clerk
Deputy

State of California, }
County of _____ } ss.

I do hereby certify the foregoing to be a true and correct abstract of the judgment duly made and entered on the minutes of the superior court in the above entitled action as provided by Section 1213 of the Penal Code.

Attest my hand and seal of the said superior court this _____ day of _____ 19_____.

County Clerk and Ex Officio Clerk of the Superior Court of the State of California, in and for the County of _____

Judge of the Superior Court of the State of California in and for the County of _____.

(c) An abstract of judgment in a form approved by the Judicial Council shall be deemed to comply with this section.

SEC. 3.5. Section 1213.5 of the Penal Code is amended to read:

1213.5. (a) The abstract of judgment provided for in Section 1213 shall contain all of the following:

- (1) A designation of the crime or crimes and the degree thereof, if any, of which defendant has been convicted.
- (2) The sections of the Penal Code or other provisions of law of which the designated crimes constitute violations.
- (3) A statement of prior convictions which affect the sentence of the defendant.
- (4) A statement as to whether or not the defendant was armed with a deadly weapon or a concealed deadly weapon within the meaning of Sections 969c and 3024 of the Penal Code.
- (5) A statement as to whether or not the defendant was armed with a deadly weapon within the meaning of Sections 969c and 12022 of the Penal Code.
- (6) A statement as to whether or not the defendant used or was armed with a firearm, explosive device, or bomb within the meaning of Sections 969d and 12022.5 of the Penal Code.
- (7) When the circumstances of the conviction are such as to constitute defendant an habitual criminal under subdivision (a) or (b) of Section 644 of the Penal Code, a statement as to whether or not the judge finds defendant is an habitual criminal.
- (8) A statement as to how the sentence imposed on each count of which defendant was convicted shall be served with respect to the other counts, if any, of which he was convicted and with respect to any prior uncompleted sentence.
- (9) A copy of the order remanding defendant to the custody of the

sheriff for delivery to a state prison.

(10) A statement setting forth the number of days the defendant was held in custody as a result of the same criminal act or acts for which he has been convicted.

(b) The form of the abstract of judgment shall be substantially as follows:

Case Nos.: _____
In the Superior Court of the State of California
In and for the _____ County of _____

Abstract of Judgment
(Commitment to State Prison)

The People of the
State of California
v.

Present:
Hon. _____
Judge of the Superior Court

Prosecuting Attorney

Counsel for Defendant

This certifies that on _____ judgment of conviction of the above-named defendant was entered as follows:

(1) Case No. _____ Count No. _____

On his plea of _____

(guilty, not guilty, former conviction or acquittal, once in jeopardy, not guilty by reason of insanity)

he was convicted by _____ of
(the court or jury)

_____ in violation of
(designation of crime and degree if any, including fact that it constitutes a second or subsequent, if that affects the sentence)

_____ (reference to code or statute, including section and subsection thereof, if any violated) with prior felony convictions as follows:

Date _____ County and state _____ Crime _____ Disposition _____
Defendant has been held in custody for _____ days as a result of the same criminal act or acts for which he has been convicted.

Defendant _____ armed with a deadly weapon at the
(was or was not)

time of his commission of the offense or a concealed deadly weapon at the time of his arrest within the meaning of Sections 969c and 3024 of the Penal Code.

Defendant _____ armed with a deadly weapon at the
(was or was not)

time of his commission of the offense within the meaning of Sections

969c and 12022 of the Penal Code.

Defendant _____

(used or was armed with, or did not use

_____ a firearm, explosive device, or bomb or was not armed with)

in his commission of the offense within the meaning of Sections 969d and 12022.5 of the Penal Code.

(Repeat foregoing with respect to each count of which defendant was convicted.)

(2) Defendant _____ adjudged an habitual criminal

(was or was not)

within the meaning of subdivision _____ of Section 644 of the Penal Code and the defendant _____ an habitual criminal in

(a) or (b)

(is or is not)

accordance with the provisions of subdivision (c) of that section.

(3) It is therefore ordered, adjudged and decreed that the said defendant be punished by imprisonment in the state prison of the State of California for the term provided by law, and that he be remanded to the Sheriff of the County of _____, and by him delivered to the Director of Corrections of the State of California at _____.

It is ordered that sentences shall be served in respect to one another as follows (CC or CS):

and in respect to any prior incompleated sentence(s) as follows (CC or CS):

(4) To the Sheriff of the County of _____ and to the Director of Corrections at the _____.

Pursuant to the aforesaid judgment, this is to command you, the said sheriff, to deliver the above-named defendant into the custody of the Director of Corrections at the _____ at your earliest convenience.

Witness my hand and seal of this court this _____ day of _____ 19__.

By _____ Clerk
_____ Deputy

State of California, }
County of _____ } ss.

I do hereby certify the foregoing to be a true and correct abstract of the judgment duly made and entered on the minutes of the superior court in the above entitled action as provided by Section 1213 of the Penal Code.

Attest my hand and seal of the said superior court this _____ day of _____ 19__.

 County Clerk and Ex Officio Clerk of the
 Superior Court of the State of California, in
 and for the County of _____

 Judge of the Superior Court of the State of California in
 and for the County of _____.

(c) An abstract of judgment in a form approved by the Judicial Council shall be deemed to comply with this section.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 301 are both chaptered and Senate Bill No. 301 amends Section 12022.5 of the Penal Code, that Section 969d of the Penal Code as proposed to be added by this bill be given effect in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 301 are both chaptered, and Senate Bill No. 301 amends Section 12022.5 of the Penal Code, in which case Section 1 of this act shall not become operative.

SEC. 5. It is the intent of the Legislature, if this bill and Senate Bill No. 301 are both chaptered and Senate Bill No. 301 amends Section 12022.5 of the Penal Code, that the amendments to Sections 1158a and 1213.5 of the Penal Code proposed by this bill be given effect in the form set forth respectively in Sections 2.5 and 3.5 of this act. Therefore, Sections 2.5 and 3.5 of this act shall become operative only if this bill and Senate Bill No. 301 are both chaptered, and Senate Bill No. 301 amends Section 12022.5 of the Penal Code, in which case Sections 2 and 3 of this act shall not become operative.

CHAPTER 1132

An act to amend Section 227a of the Civil Code, relating to adoption.

[Approved by Governor November 21, 1972 Filed with
 Secretary of State November 21, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 227a of the Civil Code is amended to read:
 227a. Notwithstanding any other provisions of this chapter, the probation officer or, at option of the board of supervisors, the county welfare department in the county in which the action for adoption is pending shall make an investigation of each case of adoption by a stepparent where one natural parent retains custody and control of the child. No order of adoption shall be made by the court until after such probation officer or welfare department shall have filed his report and recommendation and the same shall have been considered by the court.

CHAPTER 1133

An act to amend Sections 38225 and 38300 of the Vehicle Code, relating to off-highway vehicles, and making an appropriation therefor.

[Approved by Governor November 21, 1972. Filed with Secretary of State November 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 38225 of the Vehicle Code is amended to read:

38225. (a) A service fee of five dollars (\$5) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), special fee of six dollars (\$6) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device. All fees received by the department pursuant to this subdivision, and all day use, overnight use, or annual or biennial use fees for designated off-highway state recreation areas received by the Department of Parks and Recreation, shall be deposited in the Off-Highway Vehicle Fund, which is hereby created. There shall be a separate reporting of special fee revenues by vehicle type, including four-wheeled vehicles and motorcycles. All money in the Off-Highway Vehicle Fund is continuously appropriated for expenditure by the Department of Parks and Recreation for the purposes specified in Section 38300.

SEC. 2. Section 38300 of the Vehicle Code is amended to read:

38300. The Department of Parks and Recreation shall, utilizing special fee funds in the Off-Highway Vehicle Fund created by subdivision (b) of Section 38225, revenue transferred from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund, and unexpended service fees, carry out programs of planning, acquisition, development, construction, maintenance, administration, and conservation of trails and areas for the use of off-highway vehicles. Such funds, revenues, and fees shall be allocated as follows:

(a) An amount, not to exceed 50 percent of the special fee and Motor Vehicle Fuel Account transfer revenues of the Off-Highway Vehicle Fund, shall be made available for grants to cities, counties, and appropriate special-purpose districts for recreation projects for off-highway vehicles in accordance with local government planning and the statewide plans for trails for recreational motor vehicles developed by the Department of Parks and Recreation. Local governments, to be eligible for these funds, shall provide matching funds in an amount of not less than 25 percent of the total expense of the off-highway vehicle facility.

(b) The remainder of the special fee funds, Motor Vehicle Fuel Account transfer revenues, and all unexpended service fees, and all use fee funds, contained in the Off-Highway Vehicle Fund, shall be used by the Department of Parks and Recreation for purposes of funding recreational areas for the use of such vehicles and trails for the use of such vehicles.

CHAPTER 1134

An act to amend Sections 20780, 20884, 21805, 21820, 21821, 21830, 21831, 21910, 21911, 21922 of, and to add Sections 21832 and 21833 to the Business and Professions Code, relating to petroleum products.

[Approved by Governor November 21, 1972. Filed with Secretary of State November 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20780 of the Business and Professions Code is amended to read:

20780. Gasoline, as defined in this chapter, means any liquid petroleum product which conforms to the specifications of this article. Subject to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall have the authority to promulgate and enforce such rules and regulations as are necessary to carry out the provisions of this article. In promulgating such rules and regulations, the department shall adopt the latest standards as set forth in American Society for Testing and Materials D-439, except that vapor pressure specifications shall not be more than the maximum specified by any California state law.

SEC. 2. Section 20884 of the Business and Professions Code, as amended by Chapter 468, Statutes of 1971, is amended to read:

20884. Except as provided in subdivisions (d) and (e) of Section 20880 the advertising medium referred to in this article shall not contain any other advertising matter whatsoever, except words of description of the products sold or offered for sale, and if words of description of the product offered for sale or advertised for sale by any such sign are used, the letters, figures or numerals which form any words, marks, letters, figures or numerals of description shall not be larger than the words, marks, letters, figures or numerals used in forming or designating the brand name or the words "no brand."

SEC. 3. Section 21805 of the Business and Professions Code is amended to read:

21805. "Container," as used in this chapter, means any receptacle in which brake fluid is immediately contained when sold, or any receptacle or device used to store or dispense brake fluid, but does

not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.

SEC. 4. Section 21820 of the Business and Professions Code is amended to read:

21820. It is unlawful to sell or distribute any brand and each formulation of a brand of brake fluid, except any brand and each formulation of a brand of brake fluid which has been registered under this chapter by another, without first applying to the department for registration of such brand and each formulation of a brand of brake fluid to be handled by the applicant, and receiving from the department a written permit authorizing the sale of such brake fluid in this state during the period and under the condition stated in Section 21821 of this chapter.

SEC. 5. Section 21821 of the Business and Professions Code is amended to read:

21821. Application for registration of each brand and each formulation of a brand of brake fluid shall be made on forms to be supplied by the department. Each applicant shall state the name and address of the applicant, the brand name, and shall certify that the brake fluid to be sold under such brand name conforms to the specifications established by the department for brake fluids. Upon receipt of the application and upon finding that such brake fluid conforms to such specifications, the department shall issue to the applicant a permit authorizing the wholesale and retail sale and distribution of the brake fluid in this state during the permit year specified in the permit and, unless such permit shall be renewed by application to the department on or before the last day of said permit year, authorizing the sale at retail only by any retail dealer during the next succeeding permit year of such quantities of the brake fluid as were actually within this state and purchased by and in possession of such retail dealer during the preceding permit year. Each applicant shall pay a fee of one hundred dollars (\$100) with each application. A permit may be renewed by application to the department accompanied by a renewal fee of fifty dollars (\$50) on or before December 31st, immediately preceding the permit year for which the permit is issued. To any fee not paid when due, there shall accrue and be added a penalty of twenty-five dollars (\$25).

SEC. 6. Section 21830 of the Business and Professions Code is amended to read:

21830. Any brake fluid is adulterated if its quality or characteristics fall below the specifications for brake fluid established by the department as minimum standards.

The department shall establish specifications for brake fluid which shall promote the public safety in the operation of automotive vehicles and may amend such specifications by regulation, after a hearing, but in no event shall the specifications for brake fluid fall below the minimum specifications established by the National Highway Traffic Safety Administration, United States Department of Transportation, for such fluid in the Code of Federal Regulations.

SEC. 7. Section 21831 of the Business and Professions Code is amended to read:

21831. Brake fluid shall be deemed to be misbranded if:

(a) The container does not bear a label which conforms to the requirements of the National Highway Traffic Safety Administration, United States Department of Transportation, published in the Code of Federal Regulations and upon which is printed the brand name.

(b) The container does not bear an accurate statement of the quantity of the contents in terms of liquid measure.

(c) The labeling on the container is false or misleading in any particular.

The words and letters required by this section shall appear on the label in legible type.

SEC. 8. Section 21832 is added to the Business and Professions Code, to read:

21832. Each brake fluid container with a capacity of six fluid ounces or more shall be provided with a resealable closure that has an inner seal impervious to the packaged brake fluid. The container closure shall include a tamperproof feature that will either be destroyed or substantially altered when the container closure is initially opened.

SEC. 9. Section 21833 is added to the Business and Professions Code, to read:

21833. A brake fluid receptacle or dispensing device, including "bleeders," pressurized containers or any container used to fill a brake system or to expel air from such system after servicing, shall be exempt from the container labeling requirements in this chapter except for the following:

(a) A distinctive brand name in which the smallest letter shall not be less than one-fourth inch in height.

(b) Designation of the contents as "DOT--- Motor Vehicle Brake Fluid" with appropriate number filled in. The smallest letter and numeral shall not be less than one-eighth inch in height.

SEC. 10. Section 21910 of the Business and Professions Code is amended to read:

21910. It is unlawful to sell or distribute any brand and each formulation of a brand of automatic transmission fluid, except any brand and each formulation of a brand of automatic transmission fluid which has been registered under this chapter by another, without first applying to the department for registration of such automatic transmission fluid to be handled by the applicant, and receiving from the department a written permit authorizing the sale of such automatic transmission fluid in this state during the period and under the condition stated in Section 21911 of this chapter. Registration and the receipt of a written permit under this section shall not be required with respect to any automatic transmission fluid which has been certified as qualified by a testing laboratory approved by the department. A fee of one hundred dollars (\$100) shall be paid to the department at the time such certification is

received, and thereafter on or before January 1 of each year a fee of fifty dollars (\$50) shall be paid to the department; to any fee not paid when due, there shall be added a penalty of twenty-five dollars (\$25).

SEC. 11. Section 21911 of the Business and Professions Code is amended to read:

21911. Application for registration of each brand and each formulation of a brand of automatic transmission fluid shall be made on forms to be supplied by the department. Each applicant shall state the name and address of the applicant, the brand name, and shall certify that the automatic transmission fluid to be sold under such brand name conforms to the specifications established by the department for automatic transmission fluid. Upon receipt of the application and upon finding that such automatic transmission fluid conforms to such specifications, the department shall issue to the applicant a permit authorizing the wholesale and retail sale and distribution of the automatic transmission fluid in this state during the permit year specified in the permit and, unless such permit shall be renewed by application to the department on or before the last day of said permit year, authorizing the sale at retail only by any retail dealer during the next succeeding permit year of such quantities of the automatic transmission fluid as were actually within this state and purchased by and in possession of such retail dealer during the preceding permit year. Each applicant shall pay a fee of one hundred dollars (\$100) with each application. A permit may be renewed by application to the department accompanied by a renewal fee of fifty dollars (\$50) on or before December 31st, immediately preceding the permit year for which the permit is issued. To any fee not paid when due, there shall accrue and be added a penalty of twenty-five dollars (\$25).

SEC. 12. Section 21922 of the Business and Professions Code is amended to read:

21922. Automatic transmission fluid shall be deemed to be misbranded if:

(a) The container does not bear on its side or top a label on which is printed the brand name, the name and place of business of the manufacturer, packer, seller, or distributor, the words "Automatic Transmission Fluid," and, if required by regulation established by the department, the duty type classification.

(b) The container does not bear on its side or top an accurate statement of the quantity of the contents in terms of liquid measure.

(c) The labeling on the container is false or misleading in any particular.

The words and letters required by this section shall appear on the label in legible type.

CHAPTER 1135

An act to amend Sections 17262, 27155, and 27156 of the Education Code, to amend Sections 401, 423, and 2131 of the Revenue and Taxation Code, to amend and renumber Section 273 of the Revenue and Taxation Code, as added by Chapter 1583 of the Statutes of the 1971 Regular Session of the Legislature, and to amend Sections 2106 and 5829 of the Streets and Highways Code, relating to property taxation.

[Approved by Governor November 21, 1972. Filed with Secretary of State November 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years; provided, that, in the event that an assessment ratio announced by a county assessor for the 1970-71 tax year is less than 25 percent, the factor for such county for such year shall be multiplied by a fraction in which the announced ratio is the numerator and 25 percent is the denominator, before averaging the factor of that county for 1970-71 with the 1971-72 and 1972-73 factors. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll by application of this three-year-average factor carried to three decimal places. If a district is located in more than one county, this modification shall be made by applying the average factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 2. Section 27155 of the Education Code is amended to read:

27155. The board of trustees, common council, or other legislative body of any city or the board of trustees of any library district may on or before January 1st of any year, notify the board of supervisors that the city or library district no longer desires to be a part of the county free library system. Thereafter the city or library district shall cease to participate in the benefits of the county free library, and the property situated in the city or library district shall not be liable to taxes for county free library purposes.

SEC. 3. Section 27156 of the Education Code is amended to read:

27156. If the notice is given after January 1st of any year, the property situated in the city or library district shall be liable to taxes for county free library purposes during the immediately succeeding year, and the notice shall not be effective until the next succeeding

year, and library service shall be rendered in the city or library district during the year for which taxes are levied for library purposes in the city or library district.

SEC. 4. Section 273 of the Revenue and Taxation Code, as added by Chapter 1583 of the Statutes of the 1971 Regular Session of the Legislature, is amended and renumbered to read:

275. If a claimant for the homeowners' property tax exemption fails to file the required affidavit within the time specified in Section 255, but files such claim on or before the 15th day of June of such year, 80 percent of the homeowner's exemption may be granted by the board of supervisors if proof satisfactory to the board of supervisors establishes that the failure to timely file the required affidavit was due to reasonable cause and not due to willful neglect.

SEC. 5. Section 401 of the Revenue and Taxation Code is amended to read:

401. Every assessor shall assess all property subject to general property taxation at 25 percent of its full cash value.

SEC. 6. Section 423 of the Revenue and Taxation Code, as amended by Chapter 1633 of the Statutes of 1971, is amended to read:

423. When valuing open-space land subject to an enforceable restriction, other than land used for the production of timber for commercial purposes, the board for purposes of surveys required by Section 1815 of this code and the county assessor shall not consider sales data on lands, whether or not subject to an enforceable restriction, but shall value such lands by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available the income shall be the fair rent which can be imputed to the land being valued based upon rent actually received for the land by the owner and upon typical rentals received in the area for similar land in similar use, where the owner pays the property tax. When the land being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the land shall be the amount for which the land would be expected to rent were the rental payment to be renegotiated in the light of current conditions including applicable enforceable restrictions.

(2) Where sufficient rental information is not available, the income shall be that which the land being valued reasonably can be expected to yield under prudent management and subject to applicable enforceable restrictions. There shall be a rebuttable presumption that "prudent management" does not include use of the land for a recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

For the purposes of this section income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and

expenditures. Revenue shall be the amount of money or money's worth, including any cash rent or its equivalent, which the land can be expected to yield to an owner-operator annually on the average from any use of the land permitted under the terms of the enforceable restriction including, but not limited to, that from the production of salt and from typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. When the land is planted to fruit-bearing or nut-bearing trees, vines, bushes or perennial plants, the revenue shall not be less than the land would be expected to yield to an owner-operator from other typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. Proceeds from the sale of the land being valued shall not be included in the revenue from the land.

Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing such revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the land, interest on funds invested in trees and vines valued as land as provided by Section 429, property taxes, corporation income taxes, or corporation franchise taxes based on income. When the income used is from operating the land being valued or from operating comparable land, amounts shall be excluded from the income to provide a fair return on capital investment in operating assets other than the land, to amortize depreciable property, and to fairly compensate the owner-operator for his operating and managing services.

Where the land being valued is not capable of producing income or is not used to produce income or where sufficient information is not available by which income can be determined as provided in this subdivision, the board and the assessor shall impute to the land a reasonable amount to be capitalized as income.

(b) The capitalization rate to be used in valuing land pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(i) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and which was the yield rate for long-term United States government bonds, as most recently published by the Federal Reserve Board, rounded to the nearest one-quarter ($\frac{1}{4}$) percent.

(2) A risk component which shall be a percentage determined on the basis of the location and characteristics of the land, the crops to be grown thereon and the provisions of any lease or rental agreement to which the land is subject; and

(3) A component for property taxes which shall be a percentage

equal to the estimated total tax rate applicable to the land for the assessment year times the assessment ratio.

(4) A component for amortization of any investment in perennials over their estimated economic life when the total income from land and perennials other than timber exceeds the yield from other typical crops grown in the area.

(c) The value of the land shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b).

(d) The ratio prescribed in Section 401 shall be applied to the value of the land determined in subdivision (c) to obtain its assessed value.

SEC. 7. Section 2131 of the Revenue and Taxation Code is amended to read:

2131. (a) Notwithstanding any provision of law to the contrary, the board of supervisors of any county in which a portion of the territory of a district described in this section is located may, by adoption of a resolution on or before the first day of January of any year, require such district to cause the levy of any district tax or assessment in accordance with the provisions of this part. If the board of supervisors has adopted such a resolution, the board of directors of the district shall, on or before the last day of January following adoption of the board of supervisors' resolution, adopt a resolution, or the board of directors may, without such action by the board of supervisors, adopt such a resolution on or before the last day of January of any year, to cause the levy of any district tax or assessment in accordance with the provisions of this part, if:

(1) The territory within the boundaries of the district is situated in more than one county; and

(2) The portion of the district tax or assessment levied on locally assessable property is imposed according to the value of such property as it appears on the local rolls in the respective counties in which the district is situated.

(b) As used in this part, "district" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall exclude the following:

(1) The state.

(2) A county.

(3) A city.

(4) A special assessment district.

(5) An improvement district.

(6) A county service area.

(7) A metropolitan water district.

(c) As used in this part, "board of directors" means the legislative body or governing board of a district.

(d) A resolution adopted pursuant to this section shall remain in effect for at least one year but may be rendered ineffective at any time thereafter by a resolution so stating adopted on or before the

last day of January of the year in which the levy of the district's tax or assessment shall no longer be imposed in accordance with the provisions of this part.

SEC. 8. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent (\$.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

(b) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization. In the event an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities

in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 9. Section 5829 of the Streets and Highways Code is amended to read:

5829. Upon adoption of the resolution ordering the formation of the maintenance district or the annexation of territory to an existing maintenance district, the legislative body adopting the resolution shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. Thereafter, the property included within such district shall be segregated on the assessment roll under the designation contained in the resolution.

SEC. 10. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent (\$0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

(b) Thirty thousand dollars (\$30,000) per month shall be transferred to the Bicycle Lane Account in the State Transportation Fund.

(c) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization. In the event an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 11. It is the intent of the Legislature, if this bill and Senate Bill No. 36 are both chaptered and amend Section 2106 of the Streets and Highways Code, and this bill is chaptered after Senate Bill No. 36, that the amendments to Section 2106 proposed by both bills be given effect and incorporated in Section 2106 in the form set forth in Section 10 of this act. Therefore, Section 10 of this act shall become operative only if this bill and Senate Bill No. 36 are both chaptered, both amend Section 2106, and Senate Bill No. 36 is chaptered before this bill, in which case Section 8 of this act shall not become operative.

CHAPTER 1136

An act to add Chapter 11 (commencing with Section 19870) to Part 3 of Division 13 of the Health and Safety Code, relating to energy insulation, and making an appropriation therefor.

[Approved by Governor November 22, 1972. Filed with
Secretary of State November 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 19870) is added to Part 3 of Division 13 of the Health and Safety Code, to read:

CHAPTER 11. ENERGY INSULATION REGULATION

19870. As used in this chapter, "energy insulation" means the protection from heat loss or heat gain to conserve the fuel resources used to heat or cool residential and commercial buildings.

19871. By January 1, 1974, the Commission of Housing and Community Development shall adopt such rules and regulations establishing minimum standards of energy insulation for new hotels, motels, apartment houses, homes, and other residential dwellings as the commission determines are reasonably necessary to conserve fuel resources. The rules and regulations adopted by the commission shall meet or exceed the standards which are required by the Federal Housing Administration in "Minimum Property Standards for One and Two Living Units" which are in effect at the time the commission adopts such rules and regulations. However, the commission shall develop rules and regulations independent of such standards for hotels, motels, and apartment houses which are more than three stories in height.

19872. The Director of Housing and Community Development shall appoint an advisory committee to assist the commission in the establishment of energy insulation regulations. The advisory committee shall consist of two architects in private practice, two scientists having professional and technical experience in the field of energy conservation or use, one general building contractor, as defined in Section 7057 of the Business and Professions Code, two specialty contractors classified in Chapter 8 (commencing with Section 700) of Title 16 of the California Administrative Code, three representatives from a city, county, or city and county, the Secretary of the Human Relations Agency, the State Architect, and the Secretary of the Resources Agency. Members of the advisory committee shall serve without compensation, but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his duties.

19873. The provisions of this chapter and the rules and regulations adopted by the commission pursuant to this chapter shall apply in all parts of the state, including, but not limited to, charter cities.

19874. Any state agency, city, county, or city and county may adopt standards of energy insulation for new buildings which are stricter than those established under this chapter by the commission, except that any such changes or modification shall be adopted in accordance with the requirements prescribed in Sections 17958.5 and 17958.7.

19875. The provisions of this chapter and the rules and regulations adopted pursuant to this chapter shall be enforced within its jurisdiction by the building department of every city, county, or city and county. No certificate of occupancy or similar certification that a newly constructed hotel, motel, apartment house, home, or other residential dwelling is habitable shall be issued by such a

building department unless the structure at least satisfies the minimum energy insulation standards established pursuant to this chapter.

19876. The provisions of this chapter shall apply only to new hotels, motels, apartment houses, homes, and other residential dwellings on which actual site preparation and construction has not commenced prior to the effective date of rules and regulations adopted pursuant to this chapter. Nothing in this chapter shall prohibit the enforcement of existing energy insulation standards, adopted prior to the effective date of this chapter, as to new hotels, motels, apartment houses, homes, and other residential dwellings on which actual site preparation and construction has commenced prior to the effective date of rules and regulations adopted pursuant to this chapter.

19877. All rules and regulations adopted by the commission under the authority of this chapter shall be adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Housing and Community Development the sum of thirty-five thousand dollars (\$35,000) for the purposes of Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code.

CHAPTER 1137

An act to add Sections 39158 and 39159 to the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor November 22, 1972. Filed with
Secretary of State November 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 39158 is added to the Health and Safety Code, to read:

39158. Commencing April 1, 1973, and quarterly thereafter, every person who manufactures new motor vehicles for sale in California shall file with the board a report as to such person's efforts and progress in meeting federal standards promulgated pursuant to Section 1857f-1(b)(1) of Title 42 of the United States Code. The reports shall be available to the public. However, the manufacturer may designate that a portion of the report is a trade secret and such portion shall not be released except to such board employees as are specifically designated by the executive officer, unless the board, after an investigation, determines such portion is not in fact a trade secret. Board employees having access to the trade secret shall maintain its confidentiality. The board shall conduct such

investigations with respect to the reports as it deems necessary and shall file a summary of the quarterly reports with the Legislature and the Governor as soon after each quarter as possible. No report is required once all models of motor vehicles of a manufacturer which are sold in California and which are subject to the standards promulgated pursuant to Section 1857f-1(b)(1) of Title 42 of the United States Code meet all such standards.

SEC. 2. Section 39159 is added to the Health and Safety Code, to read:

39159. The board may revoke outstanding approvals of new motor vehicles for sale in California if the manufacturer thereof willfully fails to file any quarterly report required by Section 39158 or files a report which is deemed by the board to inadequately describe the manufacturer's efforts and progress. The board may also withhold future approvals of such manufacturer's vehicles until such time as the manufacturer offers for sale in California vehicles which meet the standards promulgated pursuant to Section 1857f-1(b)(1) of Title 42 of the United States Code.

SEC. 3. The sum of ten thousand dollars (\$10,000) is appropriated from the Motor Vehicle Account in the State Transportation Fund to the State Air Resources Board to carry out its obligations under this act in fiscal year 1972-1973.

CHAPTER 1138

An act to amend Sections 7015, 7065.1, 7067, 7090, 7137, 7141, 7143, 7143.5, and 7150 of, to amend and renumber Sections 7026.2, 7026.8, 7026.9, 7028.1, 7028.2, and 7116.2 of, to add Sections 7141.5, 7152, 7153, 7153.1, 7153.2, 7153.3, 7154, 7155, and 7155.5 to, and to repeal Sections 7142, 7152, 7153, 7154, 7155, 7156, 7157, and 7158 of, the Business and Professions Code, relating to contractors.

[Approved by Governor November 22, 1972. Filed with
Secretary of State November 22, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 7015 of the Business and Professions Code is amended to read:

7015. The board shall adopt a seal for its own use. The seal shall have the words "Contractors' State License Board, State of California, Department of Consumer Affairs," and the care and custody thereof shall be in the hands of the registrar.

SEC. 1.1. Section 7026.2 of the Business and Professions Code is amended and renumbered to read:

7150.1. A home improvement contractor is a contractor licensed under this chapter who is engaged in the business of home improvement either full time or part time.

SEC. 1.2. Section 7026.8 of the Business and Professions Code is amended and renumbered to read:

7156. It shall be a misdemeanor and a cause for disciplinary action to commit any of the following acts:

(a) For any salesman to fail to account for or to remit to his employing contractor any payment received in connection with any home improvement transaction or any other transaction involving a work of improvement.

(b) For any person to use a contract form in connection with any home improvement transaction or any other transaction involving a work of improvement if such form fails to disclose the name of the contractor principal by whom he is employed.

SEC. 1.3. Section 7026.9 of the Business and Professions Code is amended and renumbered to read:

7157. (a) Except as otherwise provided in subdivision (b), as a part of or in connection with the inducement to enter into any home improvement contract or other contract, which may be performed by a contractor, no person shall promise or offer to pay, credit, or allow to any owner, compensation or reward for the procurement or placing of home improvement business with others.

(b) A contractor or his agent or salesman may give tangible items to prospective customers for advertising or sales promotion purposes where the gift is not conditioned upon obtaining a contract for home improvement work if such gift does not exceed a value of five dollars (\$5) and only one such gift is given in connection with any one transaction.

(c) No salesman or contractor's agent shall accept any compensation of any kind, for or on account of a home improvement transaction, or any other transaction involving a work of improvement, from any person other than the contractor whom he represents with respect to the transaction, nor shall such salesman or agent make any payment to any person other than his employer on account of such sales transaction.

(d) No contractor shall pay, credit, or allow any consideration or compensation of any kind to any other contractor or salesman other than a licensee for or on account of the performance of any work of improvement or services, including, but not limited to, home improvement work or services, except: (1) where the person to or from whom the consideration is to be paid is not subject to or is exempted from the licensing requirements of this chapter, or (2) where the transaction is not subject to the requirements of this chapter.

As used in this section "owner" shall also mean "tenant."

Violation of any act prohibited by this section is a misdemeanor and constitutes a cause for disciplinary action.

SEC. 1.4. Section 7028.1 of the Business and Professions Code is amended and renumbered to read:

7158. Any person who shall accept or receive a completion certificate or other evidence that performance of a contract for a

work of improvement, including but not limited to a home improvement, is complete or satisfactorily concluded, with knowledge that such document is false and that the performance is not substantially completed, and who shall utter, offer, or use such document in connection with the making or accepting of any assignment or negotiation of the right to receive any payment from the owner, under or in connection with such a contract, or for the purpose of obtaining or granting any credit or loan on the security of the right to receive any payment shall be guilty of a misdemeanor and subject to a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or to imprisonment in the county jail for a term of not less than one month nor more than one year, or both.

SEC. 1.5. Section 7028.2 of the Business and Professions Code is amended and renumbered to read:

7160. Any person who is induced to contract for a work of improvement, including but not limited to a home improvement, in reliance on false or fraudulent representations or false statements knowingly made, may sue and recover from such contractor or solicitor a penalty of five hundred dollars (\$500), plus reasonable attorney's fees, in addition to any damages sustained by him by reason of such statements or representations made by the contractor or solicitor.

SEC. 2. Section 7065.1 of the Business and Professions Code is amended to read:

7065.1. Any person found guilty of violating Section 7028 or 7028.5 of this chapter shall not be qualified to take an examination for a contractor's license for a period of six months from the date of his conviction unless the registrar finds good cause exists to waive the application of this section.

SEC. 3. Section 7067 of the Business and Professions Code is amended to read:

7067. The information contained in the application forms shall include a complete statement of the general nature of the applicant's contracting business, a concise statement of the classification or classifications under which the applicant desires to be qualified as a contractor and, in addition, if the applicant is an individual, his name and address; if a copartnership, the names and addresses of all partners; and if a corporation, association or other organization, the names and addresses of the president, vice president, secretary, and responsible managing officer or officers, or responsible managing employee, together with all other information which may be deemed necessary by the registrar.

SEC. 3.5. Section 7090 of the Business and Professions Code is amended to read:

7090. The registrar may upon his own motion and shall upon the verified complaint in writing of any person, investigate the actions of any contractor or home improvement salesman within the state and may temporarily suspend or permanently revoke any license or

registration if the holder, while a licensee or registrant or applicant hereunder, is guilty of or commits any one or more of the acts or omissions constituting causes for disciplinary action.

The registrar may proceed to take disciplinary action as in this article provided against a person licensed or registered under the provisions of this chapter even though the grounds or cause for such disciplinary action arose upon projects or while the licensee or registrant was acting in a capacity or under circumstances or facts which, under the provisions of Sections 7044, 7045, 7046, and 7048 , would otherwise exempt him or his operations from the provisions of this chapter.

SEC. 4. Section 7116.2 of the Business and Professions Code is amended and renumbered to read:

7161. It is a misdemeanor for any person to engage in any of the following acts, the commission of which shall be cause for disciplinary action against any licensee or applicant:

(a) Using false, misleading, or deceptive advertising as an inducement to enter into any contract for a work of improvement, including, but not limited to, any home improvement contract, whereby any member of the public may be misled or injured.

(b) Making any substantial misrepresentation in the procurement of a contract for a home improvement or other work of improvement or making any false promise of character likely to influence, persuade or, induce any person to enter into such a contract.

(c) Any fraud in the execution of, or in the material alteration of any contract, trust deed, mortgage, promissory note, or other document incident to a home improvement transaction or other transaction involving a work of improvement.

(d) Preparing or accepting any trust deed, mortgage, promissory note, or other evidence of indebtedness upon the obligations of a home improvement transaction or other transaction for a work of improvement with knowledge that it specifies a greater monetary obligation than the consideration for such improvement work, which consideration may be a time sale price.

(e) Directly or indirectly publishing any advertisement relating to home improvements or other works of improvement which contains an assertion, representation or statement of fact which is false, deceptive, or misleading, or by any means advertising or purporting to offer to the general public any such improvement work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public, except that any advertisement which is subject to and complies with the existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading.

SEC. 4.5. Section 7137 of the Business and Professions Code is amended to read:

7137. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for an original license in a single

classification is fifty dollars (\$50) but the board may increase the fee to not more than one hundred dollars (\$100).

The application fee for each additional classification applied for in connection with an original license is twenty dollars (\$20) but the board may increase the fee to not more than forty dollars (\$40).

(b) The fee for reexamination of an applicant for an original license who has previously applied for a license but has failed to qualify therefor is twenty dollars (\$20) but the board may increase the fee to not more than forty dollars (\$40).

(c) The renewal fee for an active license is fifty dollars (\$50), but the board may increase the fee to not more than one hundred dollars (\$100).

The renewal fee for an inactive license is fifteen dollars (\$15) but the board may increase the fee to not more than thirty dollars (\$30).

(d) The delinquency fee is an amount equal to fifty percent (50%) of the renewal fee.

(e) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(f) The application fee for each additional classification pursuant to the provisions of Section 7059 is twenty dollars (\$20) but the board may increase the fee to not more than forty dollars (\$40).

(g) The application fee to replace a responsible managing officer or employee pursuant to the provisions of Section 7068.2 is twenty dollars (\$20) but the board may increase the fee to not more than forty dollars (\$40).

(h) Each registration fee for a home improvement salesman is twenty-five dollars (\$25) but the board may increase the fee to not more than fifty dollars (\$50).

(i) The renewal fee for a home improvement salesman registration is twenty-five dollars (\$25) but the board may increase the fee to not more than fifty dollars (\$50).

SEC. 4.7. Section 7141 of the Business and Professions Code is amended to read:

7141. Except as otherwise provided in this chapter, a license may be renewed at any time within three years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed after the June 30 deadline the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date

on which the delinquency fee, if any, is paid, whichever last occurs, and the licensee shall be considered as not licensed pursuant to the terms of this chapter during the time, if any, between the June 30 deadline and the date the renewal becomes effective. If so renewed, the license shall continue in effect through the date provided in Section 7140 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A license which is not renewed within three years after its expiration may not be renewed, restored, or reinstated, thereafter.

The amendments made to this section at the 1970 Regular Session of the Legislature shall apply to the renewal of licenses which expire after the effective date of such amendments. Licenses which expired prior to such effective date shall continue to be renewable for a period of five years from the date they expired.

SEC. 5. Section 7141.5 is added to the Business and Professions Code, to read:

7141.5. Notwithstanding any other provision of this chapter the registrar may issue the license of a contractor who failed to renew the same by the due date retroactively, so as to avoid any period of unlicensed operation, upon a showing by the contractor in a petition to the registrar that such failure to renew was due to mistake, inadvertence, surprise or excusable neglect. Failure or refusal by the registrar to either grant or deny the licensee's petition shall be deemed an action under Section 7013.

SEC. 6. Section 7142 of the Business and Professions Code is repealed.

SEC. 7. Section 7143 of the Business and Professions Code is amended to read:

7143. A license which is suspended for any reason which constitutes a basis for suspension under this chapter, is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 8. Section 7143.5 of the Business and Professions Code is amended to read:

7143.5. A person who, by reason of the provisions of Section 7141, is not entitled to renew his license, may apply for and obtain a new license only if he pays all of the fees and meets all of the qualifications and requirements set forth in this chapter for obtaining an original license.

SEC. 9. Section 7150 of the Business and Professions Code is amended to read:

7150. "Person" as used in this article is limited to natural persons, notwithstanding the definition of person in Section 7025.

SEC. 10. Section 7152 of the Business and Professions Code is repealed.

SEC. 11. Section 7152 is added to the Business and Professions

Code, to read:

7152. "Home improvement salesman" is a person employed by a contractor licensed under this chapter, to solicit, sell, negotiate or execute home improvement contracts under which home improvements may be performed by the contractor. The provisions of this section do not apply to officers of corporations licensed pursuant to this chapter or to persons who qualify under Section 7068.1.

SEC. 12. Section 7153 of the Business and Professions Code is repealed.

SEC. 13. Section 7153 is added to the Business and Professions Code, to read:

7153. It is a misdemeanor for any person to engage in the occupation of salesman for one or more home improvement contractors within this state without having a registration issued by the registrar for each of the home improvement contractors by whom he is employed as a home improvement salesman.

SEC. 14. Section 7153.1 is added to the Business and Professions Code, to read:

7153.1. The home improvement salesman shall submit to the registrar an application in writing containing the statement that he desires the issuance of a registration under the terms of this article.

The application shall be made on a form prescribed by the registrar and shall be accompanied by the fee fixed by this chapter.

The registrar may refuse to register the applicant if he finds that he is not of good moral character.

SEC. 15. Section 7153.2 is added to the Business and Professions Code, to read:

7153.2. All registrations issued under the provisions of this article shall expire on June 30th of each even-numbered year.

SEC. 16. Section 7153.3 is added to the Business and Professions Code, to read:

7153.3. To renew a registration, the registrant shall before the time at which the registration would otherwise expire, apply for renewal on a form prescribed by the registrar and pay a renewal fee prescribed by this chapter. Failure to renew as prescribed in this article will require the home improvement salesman to reapply for registration.

SEC. 17. Section 7154 of the Business and Professions Code is repealed.

SEC. 18. Section 7154 is added to the Business and Professions Code, to read:

7154. A home improvement contractor who employs a person to sell home improvement contracts while such person is not registered by the registrar as a home improvement salesman as provided in this article, is subject to disciplinary action by the registrar.

SEC. 19. Section 7155 of the Business and Professions Code is repealed.

SEC. 20. Section 7155 is added to the Business and Professions

Code, to read:

7155. Violation of any provision of this chapter by a home improvement salesman constitutes cause for disciplinary action. The registrar may suspend or revoke the registration of the home improvement salesman if he is found to be in violation. The disciplinary proceedings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 21. Section 7155.5. is added to the Business and Professions Code, to read:

7155.5. Violations of any provisions of this chapter by a home improvement salesman, likewise constitutes a cause for disciplinary action against the contractor, whether or not he had knowledge of or participated in the act or omission constituting violations of this chapter.

SEC. 22. Section 7156 of the Business and Professions Code is repealed.

SEC. 23. Section 7157 of the Business and Professions Code is repealed.

SEC. 24. Section 7158 of the Business and Professions Code is repealed.

CHAPTER 1139

An act to amend Section 827 of, and to add Section 828 to, the Welfare and Institutions Code, relating to juvenile court.

[Approved by Governor November 22, 1972. Filed with Secretary of State November 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 827 of the Welfare and Institutions Code is amended to read:

827. Except as provided in Section 828, a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in any such case or made available to the probation officer in making his report, or to the judge, referee or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer, may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, the attorneys for such parties, and such other persons as may be designated by court order of the judge of the juvenile court upon filing a petition therefor.

SEC. 2. Section 828 is added to the Welfare and Institutions Code, to read:

828. Except as provided in Section 781 of this code or 1203.45 of the Penal Code, any information gathered by a law enforcement

agency relating to the taking of a minor into custody may be disclosed to another law enforcement agency, or to any person or agency which has a legitimate need for the information for purposes of official disposition of a case. When the disposition of a taking into custody is available, it must be included with any information disclosed.

CHAPTER 1140

An act to amend Section 16750 of the Business and Professions Code, and to add Section 12526 to the Government Code, relating to restraints on competition and making an appropriation therefor.

[Approved by Governor November 22, 1972 Filed with
Secretary of State November 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16750 of the Business and Professions Code is amended to read:

16750. (a) Any person who is injured in his business or property by reason of anything forbidden or declared unlawful by this chapter, may sue therefor in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover three times the damages sustained by him, and shall be awarded a reasonable attorneys' fee together with the costs of the suit.

The amendments to this section adopted at the 1959 Regular Session of the Legislature do not apply to any action commenced prior to September 18, 1959.

(b) The state and any of its political subdivisions and public agencies shall be deemed a person within the meaning of this section.

(c) The Attorney General may bring an action on behalf of the state or of any of its political subdivisions or public agencies to recover the damages provided for by this section, or by any comparable provision of federal law, provided that the Attorney General shall notify in writing any political subdivision or public agency of his intention to bring any such action on its behalf, and at any time within 30 days thereafter, such political subdivision or public agency may, by formal resolution of its governing body or as otherwise specifically provided by applicable law, withdraw the authority of the Attorney General to bring the intended action. In any action brought pursuant to this section on behalf of any political subdivision or public agency of the state, the state shall retain for deposit in the Attorney General antitrust account within the General Fund, out of the proceeds, if any, resulting from such action, an amount equal to the expense incurred by the Attorney General in

the investigation and prosecution of such action or an amount equal to 10 percent of the total recovery obtained by the Attorney General, whichever is greater.

(d) In any antitrust action brought on behalf of the state in which the Attorney General is the class representative of political subdivisions, public agencies, or citizens of the state who have been affected by the matters set forth in the complaint, the state shall retain for deposit in the Attorney General antitrust account within the General Fund, the proceeds, if any, of any attorneys' fees awarded by the court in which such case is located, to the Attorney General, resulting from such class representation.

(e) In any action brought by the Attorney General pursuant to either state or federal antitrust laws for the recovery of damages by the state or any of its political subdivisions or public agencies, in addition to his other powers and authority, the Attorney General may enter into contracts relating to the investigation and the prosecution of such action with any other party plaintiff who has brought a similar action for the recovery of damages and with whom the Attorney General finds it advantageous to act jointly, or to share common expenses or to cooperate in any manner relative to such action. In any such action, notwithstanding the provisions of Section 12520 of the Government Code, the Attorney General may undertake, among other things, either to render legal services as special counsel to, or to obtain the legal services of special counsel from any department or agency of the United States, of this state or any other state or any department or agency thereof, any county, city, public corporation or public district of this state or of any other state, that has brought or intends to bring a similar action for the recovery of damages, or their duly authorized legal representatives in such action. The Attorney General may also enter into any agreement authorized by Chapter 5 (commencing with Section 6500) Division 7, Title 1 of the Government Code with any governmental entity enumerated in this subdivision, notwithstanding any provision to the contrary contained in Section 6500 of the Government Code. Every contract or agreement entered into pursuant to this subdivision (e) shall be approved by the Department of General Services.

(f) The amounts paid into the Attorney General antitrust account within the General Fund pursuant to subdivisions (c), (d) and (e) arising from the same action or companion actions shall not cumulatively exceed the greater of ten percent (10%) of the total recovery in all actions resulting from the Attorney General's representation or an amount equal to the expenses incurred by the Attorney General in the investigation and prosecution of such actions. Any excess shall be paid in to the General Fund.

SEC. 2. Section 12526 is added to the Government Code, to read:
12526. The Attorney General antitrust account is hereby created in the General Fund. All money in the account is available to the Department of Justice for expenditure in carrying out the antitrust

activities of the department and for the refund, in accordance with law, of any moneys erroneously paid in to the account. Money in the account shall be available for expenditure only upon appropriation by the Legislature in the annual Budget Bill. Such appropriation may be augmented by executive order issued by the Director of Finance, provided that within 30 days after such augmentation the Director of Finance shall notify the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which consider appropriations of any additional allocations. It is the intent of the Legislature that any augmentation shall be limited to the amount required to meet specific unbudgeted workload needs. Any continuing increase in the level of antitrust activity shall be subject to legislative review through the appropriation process. The expenses of the antitrust section in excess of the funds available in the Attorney General antitrust account within the General Fund shall be paid out of the regular appropriation for the support of the Department of Justice. If at any time the Attorney General's antitrust account within the General Fund exceeds three million dollars (\$3,000,000), any amount in excess of three million dollars (\$3,000,000) shall be transferred from such account to the unallocated funds within the General Fund.

CHAPTER 1141

An act to add Section 4227.3 to the Business and Professions Code, relating to dangerous drugs.

[Approved by Governor November 22, 1972. Filed with Secretary of State November 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4227.3 is added to the Business and Professions Code, to read:

4227.3. No manufacturer's sales representative shall distribute any dangerous drug as a complimentary sample without the written request of a physician, dentist, podiatrist or veterinarian. Such requests shall contain the names and addresses of the supplier and the requester, the name and quantity of the specific dangerous drug desired, and shall be preserved by the supplier with the records required by Section 4227.

SEC. 2. The provisions of this act shall become operative on July 1, 1973.

CHAPTER 1142

An act to amend Section 148.1 of the Penal Code, relating to crimes.

[Approved by Governor November 22, 1972. Filed with Secretary of State November 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 148.1 of the Penal Code is amended to read:

148.1. (a) Any person who reports to any police officer, sheriff, employee of a fire department or fire service, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an airline, employees of an airport, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been placed or secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

(b) Any person who maliciously informs any other person that a bomb or other explosive has been placed or secreted in any public or private place, knowing that such information is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

(c) Any person who maliciously gives, mails, sends, or causes to be sent any false or facsimile bomb to another person, or places or causes to be placed any false or facsimile bomb, with the intent that any other person think it is a real bomb and with knowledge that it is a false or facsimile bomb, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or by imprisonment in the county jail not to exceed one year.

 CHAPTER 1143
An act to add Chapter 18 (commencing with Section 7400) to Division 7 of Title 1 of the Government Code, relating to children's clothing.

[Approved by Governor November 24, 1972. Filed with Secretary of State November 24, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 18 (commencing with Section 7400) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 18. CHILDREN'S CLOTHING

7400. (a) After July 1, 1974, no person shall sell, or offer for sale, new children's sleepwear to and including size 14 which does not meet federal flammability standards for children's sleepwear to and including size 6X, and such other standards as may from time to time be adopted by the federal government. The requirements prescribed by this chapter shall be in addition to those prescribed by Chapter 8 (commencing with Section 19810) of Part 3 of Division 13 of the Health and Safety Code.

(b) Violation of subdivision (a) is a misdemeanor.

(c) No later than July 1, 1974, the State Fire Marshal shall promulgate, in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11371 of the Government Code), flammability regulations covering such other articles of new children's clothing to and including size 14 as it shall determine to be in the public interest. Such regulations shall become effective not later than July 1, 1975.

(d) Violation of any rule or regulation promulgated pursuant to subdivision (c) is a misdemeanor.

CHAPTER 1144

An act to add Section 1420.1 to the Labor Code, and to repeal Section 2072 of the Unemployment Insurance Code, relating to discrimination in employment.

[Approved by Governor November 24, 1972. Filed with Secretary of State November 24, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1420.1 is added to the Labor Code, to read:
 1420.1. (a) It is an unlawful employment practice for an employer to refuse to hire or employ, or to discharge, dismiss, reduce, suspend, or demote, any individual between the ages of 40 and 64 solely on the ground of age, except in cases where the law compels or provides for such action. This section shall not be construed to make unlawful the rejection or termination of employment where the individual applicant or employee failed to meet bona fide requirements for the job or position sought or held, or to affect bona fide retirement or pension programs; nor shall this section preclude such physical and medical examinations of applicants and employees as an employer may make or have made to determine fitness for the job or position sought or held.

Promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring on the basis of seniority and prior service with the employer, or hiring under an established recruiting program from high schools, colleges, universities, and trade schools shall not, in and of themselves, constitute a violation of this section.

(b) This section shall not limit the right of an employer, employment agency, or labor union to select or refer the better qualified person from among all applicants for a job. The burden of proving a violation of this section shall be upon the person or persons claiming that the violation occurred.

(c) The age limitations of the apprenticeship programs in which the state participates shall not be deemed to violate this section.

SEC. 2. Section 2072 of the Unemployment Insurance Code is repealed.

CHAPTER 1145

An act to amend Sections 6721, 6727, 6728, 6731, 6735, 6738, 6739, and 6740 of, and to repeal Sections 6722, 6723, and 6724 of, the Education Code, relating to technical, agricultural, and natural resource conservation schools.

[Approved by Governor November 24, 1972 Filed with
Secretary of State November 24, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6721 of the Education Code is amended to read:

6721. The county superintendent of schools, with the approval of the county board of education, may establish and operate a technical, agricultural, and natural resource conservation school, or schools, for the purposes described in Section 6720.

SEC. 2. Section 6722 of the Education Code is repealed.

SEC. 3. Section 6723 of the Education Code is repealed.

SEC. 4. Section 6724 of the Education Code is repealed.

SEC. 5. Section 6727 of the Education Code is amended to read:

6727. Schools established pursuant to this article may be operated on a full-time placement care basis and facilities may be provided for children in attendance to live at such schools if such arrangements are deemed appropriate. The county superintendent of schools maintaining such schools may provide necessary transportation to the pupils in attendance, if full-time placement care is not deemed in the best interest of the pupil.

SEC. 6. Section 6728 of the Education Code is amended to read:

6728. The county board of education maintaining one or more schools established pursuant to this article shall appoint a board of

admissions to these schools consisting of a representative of the welfare department, a representative of the juvenile probation department, two school district administrators, one member of the lay public, and designated members of the staff of the county superintendent of schools. The president of the county board of education and the county superintendent of schools shall be ex officio members of the board of admissions. The board of admissions may enlist the assistance of any other qualified persons for consultation, evaluation of the needs of students, and advice regarding the admission program. The chairman of the board of admissions shall be appointed by the county superintendent of schools.

If two or more counties agree to operate such a school jointly each county shall select its own board of admissions as otherwise provided in this section. Any reference in this article to the board of admissions is to the board established by the county in which the child is resident if the school is jointly operated by two or more counties.

SEC. 7. Section 6731 of the Education Code is amended to read:

6731. Subject to the provisions of Section 6729, the county board of education maintaining a school established pursuant to this article shall admit to the school only minors from the age of 13 to 18 years, inclusive, who are qualified for technical or prevocational training by satisfactory completion of the eighth grade and a reasonable exhibition of aptitude, who are residents of the county having jurisdiction over the school. Such students may be considered for the school by the board of admissions upon the recommendation of the county superintendent of schools or the chief administrative officer of the school last attended by the minor. Students who are not residents of the county having jurisdiction over the school may be admitted to the school if approved by the board of admissions, provided that the county of residence shall pay by agreement to the governing board of the school all actual expenses of operation and instruction, including building and grounds, minus state and federal apportionments, not received from contracts with the parents or guardians of the minor, or from the minor's school district of residence.

No minor shall be admitted to a technical, agricultural and natural resource conservation school without the written approval of his parent or guardian, or retained in such school following withdrawal of approval by his parent or guardian.

Juvenile court judges are hereby empowered to refer from their courts to the board of admissions of the county for study as to qualifications for admittance as a student, any minor brought before them who in their opinion can properly qualify for admission. Upon determination of the board of admissions that such minor is otherwise qualified for admission, if the juvenile court judge enters an order waiving jurisdiction of such minor for the purpose of allowing the minor to attend such technical, agricultural or natural resource conservation school, subject to consent by the minor's parent or guardian as provided in this section, the minor shall be

admitted to the school.

SEC. 8. Section 6735 of the Education Code is amended to read:

6735. A student at a technical, agricultural, and natural resource conservation school may be assigned part time to a vocational course in a place of employment. Such courses may be developed through the cooperation of the county officials, the board of admission, school personnel, local employers and local labor organizations. Local representatives of the Department of Employment, the Department of Industrial Relations and the Division of Apprenticeship Standards, shall cooperate in the development of such courses.

Such vocational training shall be offered subject to the provisions of Article 2 (commencing with Section 1290) of Chapter 2 of Part 4, Division 2 of the Labor Code.

SEC. 9. Section 6738 of the Education Code is amended to read:

6738. The cost of securing sites or constructing and equipping buildings and the cost of housing and equipment in technical, agricultural, and natural resource conservation schools, including but not restricted to, the necessary dormitories, dining halls, and other living quarters for pupils and employees of the school shall be a charge against the funds of the county maintaining the school. Such buildings shall be deemed "school buildings" within the meaning of Section 21701.

SEC. 10. Section 6739 of the Education Code is amended to read:

6739. For purposes of schools established pursuant to this article the county board of education may direct the county superintendent of schools to call an election and submit to the voters of the county the question of whether the board of supervisors shall levy and collect the amount of money required to be raised by a countywide tax for the maintenance of the schools. Upon approval of a majority of the voters of the county, the county superintendent of schools, with the approval of the county board of education, shall certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a countywide tax for the maintenance of the schools. The board of supervisors shall levy and collect the required amount in the same manner as other county taxes are levied or collected. The tax shall not exceed five cents (\$.05) per each hundred dollars (\$100) of assessed valuation for the purposes of Section 6738 and this section. The amount received from this tax shall be deposited in the county school service fund.

The governing board may employ such certificated and noncertificated employees as are necessary in the judgment of the board for the proper conduct of the school. The expenses of lodging and boarding pupils, where applicable, residing within the buildings of a technical, agricultural, and natural resource conservation school shall be paid from the sums received from contracts with the child's parents or guardians, from the funds of the county within which the school is located, and from the funds of the county of residence of the student.

SEC. 11. Section 6740 of the Education Code is amended to read: 6740. The school attendance of such students shall be credited to the county school service fund of the county superintendent of schools providing the education for the students; and State School Fund apportionments on account of such attendance shall be made to the fund in the amount, per unit of average daily attendance, as would be computed for the foundation program of a high school under Section 17665.

CHAPTER 1146

An act to add Section 10501 to the Unemployment Insurance Code, relating to human resources development.

[Approved by Governor November 27, 1972. Filed with Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10501 is added to the Unemployment Insurance Code, to read:

10501. Notwithstanding any other provisions of this code, handicapped clients of the Department of Rehabilitation shall not be barred as participants in manpower programs, including but not limited to, retraining programs, work incentive programs, job training and placement programs, career opportunity development programs, and vocational educational programs, because of their mental or physical disability when certified by the Department of Rehabilitation as being potentially employable.

CHAPTER 1147

An act to amend Section 16601.5 of, to add Sections 16602.5, 16602.6, and 16711 to, to add Chapter 6.1 (commencing with Section 6445) to Division 6 of, and to add Article 1.5 (commencing with Section 16820) to Chapter 1 of Division 13 of, the Education Code, and to amend the heading of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of, to amend Section 16150 of, and to add Sections 16151.5 and 16153.5 to, the Welfare and Institutions Code, relating to early childhood education, and making an appropriation therefor.

[Approved by Governor November 27, 1972. Filed with Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.1 (commencing with Section 6445) is added to Division 6 of the Education Code, to read:

CHAPTER 6.1. EARLY CHILDHOOD EDUCATION

6445. For the purposes of this chapter, "early childhood education programs" are defined as all educational programs, except those for exceptional children as defined in Section 6870, offered in the public school system, including in-class and out-of-class activities, for children age 3 years and 9 months, to the completion of grade 3 or its equivalent, under a local school-by-school comprehensive master plan approved by the State Board of Education which is designed to assure:

(a) A comprehensive restructuring of primary education in California kindergarten through third grade to more fully meet the unique needs, talents, interests and abilities of each child.

(b) That early educational programs that are or may be made available to children who are 3 years and 9 months of age be coordinated with the restructuring of primary education in California in order to take advantage of the capacity for learning of children at this age level.

(c) The cooperation and participation of parents in the educational program to the end that the total community is involved in the development of the program.

(d) The pupils participating will develop an increased competency in the skills necessary to the successful achievement in later school subjects such as reading, language, and mathematics.

(e) Maximum use is made of existing state and federal funds in the implementation of coordinated early childhood education programs.

6445.01. As used in this chapter, "parent participation" means the parents taking an active part in the initial planning of early childhood education programs and the implementation, evaluation, and modification of the programs.

Parent participation shall be included in a manner which:

(a) Involves parents in the formal education of their children directly in the classroom and through the decisionmaking process of the California public school system.

(b) Maximizes the opportunity for teachers and parents to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous permanent process.

(c) Recognizes that the continuity between the early childhood education program and the home is essential.

6445.1. The Legislature hereby finds and declares that a comprehensive program of early childhood education is needed to restructure public education in California. The Legislature, therefore, declares its intent to require that the State Board of Education develop a comprehensive program for children ages 3 years and 9 months to the completion of grade 3, or its equivalent. The objectives of this plan will include assurance that each child will

have an individualized program to permit the development of his maximum potential and that all pupils who have completed the third grade of the state's educational system will have achieved a level of competence in the basic skills of reading, language, and mathematics sufficient to continued success in their educational experiences. The system will be based on the development of local school-by-school master plans for early childhood education developed and submitted by local school districts which shall include a phase-in program based on an increase in the number of schools in the state participating each year until maximum participation is achieved.

6445.2. Beginning with the 1972-1973 fiscal year each school district maintaining kindergarten, and grades 1 to 3, inclusive, or any one or more such class or grade, may develop and submit to the Department of Education for approval a master plan for early childhood education. In developing a master plan, the governing board of the school district shall seek direct community, parent, and teacher involvement in all phases of the planning and development of the plan prior to approval.

Application shall be made in accordance with rules and regulations adopted by the State Board of Education.

6445.3. The governing boards of any school districts maintaining any such class or grade may, with the approval of the Department of Education, develop and submit for approval a joint master plan for early childhood education.

6445.4. A master plan for early childhood education shall include a comprehensive statement setting forth the district's educational program for early childhood education on a school-by-school basis. The State Board of Education shall establish standards and criteria to be used in the evaluation of plans submitted by school districts. Such standards and criteria for review and approval of plans by the State Board of Education shall include, but need not be limited to provision for:

- (a) Assessment of educational needs.
- (b) A program of restructuring of kindergarten through third grade.
- (c) Opportunities for educational programs for pupils three years and nine months of age including children's center, day care, preschool, and child care services.
- (d) Defined and measurable program objectives.
- (e) A local program designed to systematically phase into the program all the schools of the district in no more than five years.
- (f) Coordination of all district resources with the objectives of the local plan.
- (g) Program of evaluation of pupils' health needs.
- (h) Emphasis on an individualized diagnostic approach to instruction.
- (i) Direct parental involvement in the classroom program and program evaluation.
- (j) Programs for comprehensive parent education.

(k) Staff development and inservice training.

(l) Transportation of pupils participating in the program.

(m) Evaluation of the program by the governing board of the school district with the assistance of the administrators, teachers, and parents.

No plan shall be approved by the State Board of Education unless it determines that the plan was developed with the active cooperation of parents, community, and teachers in all stages of planning, approval, and implementation of the plan.

The State Board of Education shall not approve a plan which provides for the initiation of classes for pupils who have attained the age of 3 years and 9 months unless it also contains provisions for restructuring kindergarten and grades 1 through 3.

No district shall initiate classes for pupils of age 3 years and 9 months or over under a master plan for early childhood education until that district has demonstrated to the satisfaction of the State Board of Education that its program for restructuring kindergarten through grade 3, or its equivalent, is completed and successful and no child shall be admitted to such class until it is established that that child will benefit from such instruction. In no event shall such classes be initiated prior to the 1975-1976 fiscal year.

6445.5. School districts with master plans for early childhood education approved pursuant to Section 6445.4 shall be eligible for allowances authorized under Sections 6445.12, 6445.13, and 16821. Such allowances shall be apportioned to the extent that funds are available on a priority basis in accordance with a schedule established by the State Board of Education.

6445.6. In apportioning allowances in accordance with Section 6445.5 for early childhood education, the Department of Education shall give highest priority to (1) those districts which have the largest number of pupils determined to have educational need, and (2) those districts with the lowest measure of assessed valuation per pupil and making the most significant property tax effort.

The State Board of Education shall adopt regulations setting forth criteria for the determination of educational need which shall be based on low levels of pupil achievement and such factors as low levels of family income.

6445.7. Districts receiving allowances pursuant to this chapter shall provide that a minimum of 50 percent of the amount allowed to the district in any one year shall be designated for schools with the largest number of pupils with educational need identified pursuant to Section 6445.6 until such time as allowances are authorized for all schools.

6445.8. The State Board of Education may further provide that, upon its determination, that a district has not met the objectives of its approved plan, allowances shall not be increased in accordance with the phase-in schedule of the district's approved plan. The board shall provide for an annual review of the success of each local district in meeting the objectives of its approved plan for early childhood

education. The board shall adopt rules and regulations governing the termination of allowances to districts which are unsuccessful in meeting the objectives of their approved plan.

6445.9. The State Board of Education shall adopt pupil performance objectives in reading and mathematics for use in district early childhood education programs not later than the 1975-1976 school year. The board is authorized to take all actions necessary to effect the development, testing, validation, adoption and implementation of such objectives.

6445.10. (a) Each district receiving allowances pursuant to Section 6445.12 or Section 6445.13, or both, or implementing a master plan for early childhood education approved by the State Board of Education pursuant to Section 6445.4, shall submit to the Department of Education a report of its early childhood education program. Such report shall be submitted in a form and manner and at such times, but not less than annually, as prescribed by the State Board of Education. The report shall include, but not be limited to, factors relating to:

- (1) Fiscal expenditures.
- (2) Degree and success of program implementation.
- (3) Quantitative estimate of pupil progress.

(b) The Department of Education shall derive a composite score for each school which shall be obtained from each of the three factors listed in paragraphs (1), (2), and (3) of subdivision (a). In determining such score, the Department of Education shall, for the first year of participation by the school, assign a weight of 20 percent for factor (1), 70 percent for factor (2), 10 percent for factor (3). For the second year of participation by the school, the factors shall be assigned a weight of 10 percent for factor (1), 50 percent for factor (2), 40 percent for factor (3). For the third and each subsequent year of participation, only factors (2) and (3) shall be considered and shall receive equal weighting.

6445.11. The Department of Education shall compute an index of student attainment for each participating school, using factors which have been shown to be predictive of school success. The obtained score for each school shall be weighted by the degree this score meets or exceeds the predicted school achievement level. Obtained scores falling below the predicted level of attainment shall be treated as a zero score. The Department of Education shall inform each participating district of the relative performance of their participating schools. Such data shall regularly be analyzed and evaluated and submitted to the Legislature in the form of an annual report not later than the fifth legislative day of each regular session of the Legislature.

6445.12. From the funds appropriated therefor by the Legislature for the purposes of this chapter, the Superintendent of Public Instruction shall allow school districts with approved master plans for the education of children pursuant to such plans:

- (a) Five hundred dollars (\$500) per pupil in average daily

attendance in the district in each class maintained for pupils who have attained the age of 3 years and 9 months.

(b) One hundred thirty dollars (\$130) per pupil in average daily attendance in each kindergarten class.

(c) One hundred thirty dollars (\$130) per pupil in average daily attendance in grades 1 to 3, inclusive.

6445.13. In addition to the allowances provided for in Section 6445.12, the Superintendent of Public Instruction shall provide grants for pupils determined by him to have demonstrated educational need, in accordance with Section 6445.6, as follows:

(a) One hundred dollars (\$100) per pupil in average daily attendance in each class for pupils who have attained the age of 3 years and 9 months.

(b) Sixty-five dollars (\$65) per pupil in average daily attendance in each kindergarten class.

(c) Sixty-five dollars (\$65) per pupil in average daily attendance in grades 1 to 3, inclusive.

6445.14. In computing allowances authorized pursuant to Section 6445.12 the Superintendent of Public Instruction shall reduce such allowances by the amount per pupil apportioned pursuant to Article 5 (commencing with Section 5789) of Division 6.

6445.15. Allowances under this chapter shall be made by the Superintendent of Public Instruction from funds appropriated therefor by the Legislature. The allowances shall be made as early as practicable in the fiscal year and upon order of the Superintendent of Public Instruction the State Controller shall draw his warrants upon the money appropriated, in favor of the eligible districts in the amounts ordered.

6445.16. The Department of Education shall continuously monitor and review to assure that all funds appropriated to school districts under this chapter are expended for the purposes intended.

6445.17. Allowances shall not be granted under this chapter to a district unless the fiscal effort of the district with respect to early childhood education for any fiscal year of participation under this chapter was not less than the fiscal effort for that purpose for the fiscal year preceding the district's participation under this chapter.

6445.18. Allowances shall not be granted to a district unless the fiscal effort of that district with respect to each child participating in the early childhood education program for any fiscal year of participation under this chapter is no less than the fiscal effort of the district per elementary child not participating in the early childhood education program. The Department of Education shall annually review individual district expenditures to assure the comparability of local support based on rules and regulations adopted by the State Board of Education which take into account growth in district enrollment and increases in district costs.

6445.19. The State Board of Education shall have the power to adopt and promulgate all rules and regulations necessary to the effective administration of this chapter, including, but not

necessarily limited to, those specifically required to be adopted by particular provisions of this chapter.

6445.20. The governing board of the school district, in its application for approval of a master plan, may request waiver of the provisions of any section or sections of this code if such waiver is necessary to establish and operate an early childhood education program. The need for waiver shall be explained and justified in the application. The Superintendent of Public Instruction, with approval of the State Board of Education, may grant, in whole, or in part, any such request when, in the opinion of the Superintendent of Public Instruction, failure to grant such request would hinder the implementation and maintenance of the district's program.

6445.21. A school district in its application for approval of a master plan for early childhood education may include how children's center services, as provided for in Section 16603, are to be coordinated with the program.

6446. The governing board of any school district which has had a master plan for early childhood education approved by the Department of Education shall establish and maintain such number of classes for pupils who have attained the age of 3 years and 9 months, as are necessary to implement such approved master plan for children living in the district that are eligible for admission pursuant to Section 6446.1 but are not eligible for admission pursuant to Section 5254 and whose parents or guardians present them for admission.

6446.1. (a) A child may be admitted to a class established pursuant to Section 6446 during the first school month of the term if he is of the age prescribed. For good cause the governing board of a school district may permit a child of the proper age to be admitted to the class after the first school month of the school year.

The child shall be three years and nine months of age on or before September 1 of the current school year.

(b) As an alternative to admitting all children 3 years and 9 months of age on or before September 1 at the beginning of each school year pursuant to subdivision (a), school districts may, as a part of their respective master plans approved under Section 6445.4, authorize the admission of all children on an individual basis at the time that each respective child reaches 4 years of age.

(c) The State Board of Education shall adopt rules for the approval of state aid based upon late enrollment in any school year. For the purpose of this section, late enrollment shall be considered any enrollment after the first month of the school year.

6446.2. The State Board of Education shall establish minimum standards authorizing service of instructional personnel in classes established pursuant to Section 6446.

6446.3. The minimum schoolday for classes established pursuant to Section 6446 is 180 minutes inclusive of recesses.

6446.4. The computation of average daily attendance in classes established pursuant to Section 6446 for the purpose of determining

allowances under Sections 6445.12 and 6445.13, shall be as prescribed in Section 11301. Sections 10951 to 10955, inclusive, and Sections 11001, 11002, 11007 and 11301.6 shall apply.

6446.5. So much of the moneys appropriated for allowances pursuant to Section 6445.13, as is needed, shall be for the purpose of providing state funds to be matched with available federal funds to provide public services for those pupils eligible to receive such services. Federal reimbursement shall be obtained by the Department of Social Welfare for services to children of those families, designated by the State Department of Education, eligible for federal financial participation. The State Department of Social Welfare and the State Department of Education shall enter into a contract wherein the Department of Education agrees to provide educational services for such pupils wherein the Department of Social Welfare agrees to pay to the Department of Education all costs of services to participants.

6446.6. Nothing in this chapter shall be construed to sanction, perpetuate, or promote the racial and ethnic segregation of pupils in public schools.

SEC. 2. Section 16601.5 of the Education Code is amended to read:

16601.5. The facilities used for any children's center established pursuant to this chapter shall first be used for children of families meeting the conditions of Section 16603.1 and may then be made available for children eligible for any children's center, preschool or group child care program, authorized by the laws of this state, and any early childhood education program conducted under Chapter 6.1 (commencing with Section 6445) of Division 6.

The Department of Education shall develop guidelines and procedures for allocating funds appropriated for compensatory preschool educational programs as defined in Section 16151 of the Welfare and Institutions Code to augment preschool, children's center, and group child care programs, and early childhood education programs conducted under Chapter 6.1 (commencing with Section 6445) of Division 6.

SEC. 3. Section 16602.5 is added to the Education Code, to read:

16602.5. A school district in its application for approval of a master plan for early childhood education pursuant to Chapter 6.1 (commencing with Section 6445) of Division 6 shall include children's centers' services as provided for in this chapter.

SEC. 4. Section 16602.6 is added to the Education Code, to read:

16602.6. The term "elementary school" contained in Section 425 of Title 20 of the United States Code (the National Defense Education Act of 1958, P.L. 85-864 as amended) shall include early childhood education programs and preschool classes, including preschool classes in children's centers, for the purpose of the cancellation provisions of the Loans to Students in Institutions of Higher Learning.

SEC. 4.5. Section 16711 is added to the Education Code, to read:

16711. The term "elementary school" contained in Section 425 of Title 20 of the United States Code (the National Defense Education Act of 1958, P.L. 85-864, as amended) shall include early childhood education programs and preschool classes, including preschool classes in children's centers, for the purpose of the cancellation provisions of the Loans to Students in Institutions of Higher Learning.

SEC. 5. Article 1.5 (commencing with Section 16820) is added to Chapter 1 of Division 13 of the Education Code, to read:

Article 1.5. Transportation for Early
Primary Pupils

16820. Notwithstanding any other provision of law, the governing board of any school district may provide, beginning in the 1975-1976 fiscal year, for the transportation to and from public school of pupils who have attained the age of 3 years and 9 months and are enrolled in classes established pursuant to Section 6446, whenever in the judgment of the board, such transportation is advisable and good reasons exist therefor. A governing board may allow for the transportation of parents of pupils enrolled in such classes for the purpose of accompanying their children to and from the attendance center offering such early primary classes.

Districts shall receive state reimbursements for the transportation of such pupils pursuant to Article 10 (commencing with Section 18051) of Chapter 3 of Division 14 of the Education Code.

SEC. 6. The heading of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code is amended to read:

CHAPTER 2.5. PRESCHOOL, CHILDREN'S CENTER, GROUP CHILD
CARE, AND EARLY CHILDHOOD EDUCATION PROGRAMS

SEC. 7. Section 16150 of the Welfare and Institutions Code is amended to read:

16150. The Legislature finds and declares that preschool programs with a strong educational component are of great value to all children in preparing them for success in school, and constitute an essential component of public social services as defined in Section 16151. The Legislature further finds that such programs are often not available to many children who, because of the low income of their families, parents in training, or minimal employment, are deprived of adequate care and this valuable educational experience. Therefore, it is the intention of the Legislature in enacting this chapter to provide equal educational opportunity to children of low-income or disadvantaged families through appropriate arrangements for preschool, children's center, group child care, and early childhood education programs of an educational value to be developed in accordance with a contractual agreement between the

State Department of Social Welfare and the State Department of Education. The Legislature believes that the introduction of young children to an atmosphere of learning will improve their performance and increase their motivation and productivity when they enter school. In order to achieve this end, all programs established under this chapter shall be centered upon a defined educational program developed, conducted, and administered with the maximum feasible participation of the families served by the program.

SEC. 8. Section 16151.5 is added to the Welfare and Institutions Code, to read:

16151.5. The State Department of Social Welfare shall enter into a contract with the State Department of Education to provide for a statewide system of social services for children educated under an early childhood education master plan pursuant to Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code, to be established by school districts for children and families who meet the requirement for services under Education Code Section 6446.5.

SEC. 9. Section 16153.5 is added to the Welfare and Institutions Code, to read:

16153.5. Notwithstanding any other provision of this code, the State Department of Social Welfare shall not provide any per capita reimbursement pursuant to Section 16151.5 on account of any local school district program established pursuant to this chapter which does not meet the educational standards established by the State Board of Education.

All programs established pursuant to this chapter shall meet the requirements of Section 107 of Public Law 90-222 (Economic Opportunity Amendments of 1967).

The State Department of Social Welfare shall have only such functions, duties and responsibilities with respect to early childhood education programs conducted pursuant to Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code as is required by law and federal regulations.

SEC. 10. There is hereby appropriated from the General Fund in the State Treasury for the purposes of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code, the amounts specified in the following schedule, to be allocated as herein prescribed:

(a) To the State School Fund, for allowances under Section 6445.12 of the Education Code and Section 6445.13 of the Education Code, amounts which shall be made available for expenditure as follows:

(1) For the 1973-1974 fiscal year, twenty-five million dollars (\$25,000,000).

(2) For the 1974-1975 fiscal year, forty million dollars (\$40,000,000).

(b) To the Department of Education, the sum of two hundred

fifty thousand dollars (\$250,000) for the administration by the department of the provisions of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code.

Any moneys made available for expenditure under this section in any such fiscal year which are not expended may be carried over into the next succeeding fiscal year, and shall be available for expenditure in such fiscal year in addition to those funds otherwise made available by this section for such year.

SEC. 11. (a) The Department of Education shall report to the Legislature, on or before the fifth calendar day of the 1975 Regular Session of the Legislature, the following information with regards to the provisions of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code:

- (1) The degree of program implementation.
- (2) The successes of districts participating in the program.
- (3) Evidence supported by research and documentation that classes proposed to be provided for children 3 years and 9 months of age will be of educational benefit to children of such age.
- (4) The number of school districts approved by the State Board of Education, in accordance with criteria it has established, to initiate classes for children 3 years and 9 months of age, under the particular school district's master plan for early childhood education, during the 1975-1976 fiscal year.

(b) The State Board of Education shall not authorize any school district to implement an approved program of classes for pupils 3 years, 9 months of age beginning in the 1975-1976 fiscal year or in any year thereafter unless authorized by an act, other than a Budget Act, appropriating funds to support such programs.

SEC. 12. Sections 2, 3, 4, 7, 8, and 9 of this act shall become operative only if Assembly Bill No. 99 of the 1972 Regular Session of the Legislature is not enacted.

SEC. 13. Section 4.5 of this act shall become operative only if Assembly Bill No. 99 of the 1972 Regular Session of the Legislature is enacted.

SEC. 14. It is the intent of the Legislature, if this bill and Assembly Bill No. 1000 of the 1972 Regular Session of the Legislature are both chaptered, appropriating funds as proposed by subdivision (a) of Section 10 of this bill and subdivisions (b), (c), and (d) of Section 16140 of the Government Code as proposed by Assembly Bill No. 1000 of the 1972 Regular Session of the Legislature, Section 10(a) of this bill shall have no force or effect.

CHAPTER 1148

An act to amend Sections 1229, 1504, 1505, 1616, 1676, 1677, 1729, and 1730 of, to add Chapter 2 (commencing with Section 1250) to Division 2 of, and to repeal Chapter 2 (commencing with Section 1400) of Division 2 of, the Health and Safety Code, and to amend Sections 10554.1, 16100, 16300, and 16312 of and to repeal Chapter 1 (commencing with Section 7000) of Division 7 of, and Chapter 1 (commencing with Section 16000) of and Chapter 3 (commencing with Section 16200) of, Part 4 of Division 9 of the Welfare and Institutions Code, and to amend Section 10 of Chapter 1626 of the Statutes of 1971, relating to licensed facilities.

[Approved by Governor November 27, 1972. Filed with Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1229 of the Health and Safety Code is amended to read:

1229. Each application for a license under this chapter shall be accompanied by a fee determined by the director by regulation based on the number of patients served and in an amount to cover the costs of administering this chapter.

Each license issued under this chapter shall expire 12 months from the date of its issuance. Application for renewal of license accompanied by the necessary fee shall be filed with the department not less than 10 days prior to the expiration date each year. Failure to make a timely renewal shall result in expiration of the license.

SEC. 2. Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code is repealed.

SEC. 3. Chapter 2 (commencing with Section 1250) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2. FACILITIES

Article 1. Definitions

1250. As used in this chapter:

(a) "Facility" means any hospital, institution, boarding home or other place for the care of persons, homefinding agencies, and establishments and institutions, for the reception and care of the mentally disordered persons, mentally retarded persons and other incompetent persons.

(b) "Hospital" means any institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for

overnight stay or longer. "Hospital" includes sanatorium, nursing home, and maternity home.

(c) "Institutions, boarding homes, and other places for the care of persons" are facilities which provide nonmedical board, room and care, or board and care or room and care.

(d) "Homefinding agencies" mean persons engaged in finding homes for children under 16 years of age, or placing such children in any home or other place either for temporary or permanent care or adoption.

(e) "Establishments and institutions for mentally disordered persons, and other incompetent persons" include every hospital, sanitarium, boarding home, or other place receiving or caring for any of the persons enumerated in this subdivision.

Article 2. Administration and Regulation

1270. The state department, after consultation with the advisory board and receipt of the recommendations of the advisory board in respect thereto, shall make and promulgate, and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter. The department shall classify hospitals and prescribe minimum standards of safety and sanitation in the physical plant, of diagnostic, therapeutic and laboratory facilities and equipment for each class of hospitals.

1271. (a) The department's regulations shall take into account the types of facilities described in subdivision (c) of Section 1250 provided for the care of persons aged 16 and above and residents to be accommodated to insure maximum flexibility in safety, staffing, and reporting standards, based upon the individual facility and the age, physical and mental capabilities and needs of its residents.

(b) The department shall, prior to proposing the addition, amendment or repeal of any rules and regulations concerning such facilities, confer with concerned licensees, residents of licensed facilities, representatives of licensees, and of residents of licensed facilities and community service organizations.

1272. The State Department of Health may delegate to local health departments, the staffs and inspectoral services of which have the written approval of the State Department of Health, the authority to verify compliance with this chapter, investigate unlicensed facilities, inspect licensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, and to recommend disciplinary action by the state department against licensees. In exercising the authority so delegated, the local health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department.

1273. On or before the first day of January of any calendar year, the board of supervisors of any county with a population in excess of 6,000,000 persons may elect to have the county health department

during the next succeeding fiscal year, commencing on July 1st of such calendar year, verify compliance with this chapter, investigate unlicensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, recommend disciplinary action by the state department against licensees, and recommend to the district attorney the prosecution of any action for the violation of any provision of this chapter in such county.

The election shall be made by the adoption by the board of supervisors of an ordinance which recites that, pursuant to this section, the board of supervisors has elected to have the county health department perform facility inspection and enforcement functions in such county during the next succeeding fiscal year. Immediately, upon the adoption of the ordinance, a certified copy of the ordinance shall be transmitted to the state department.

In exercising the authority which is vested in it pursuant to this section and the election of the board of supervisors, the county health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department. It shall, however, have the power to recommend directly to the district attorney the prosecution of any action for the violation of any provision of this chapter.

During any fiscal year in which the board of supervisors of the county has elected to have the county health department perform facility inspection and enforcement functions in such county, the costs of the performance of such inspection and enforcement functions by the county health department shall be paid by the state. Such expenditures shall not, however, exceed amounts appropriated by the Legislature for the purpose of such inspection and enforcement.

Each health department performing such inspection and enforcement functions shall at such times and in such manner as required by the State Director of Health, present to the director a proposed annual budget for the reasonable cost, including necessary overhead, of such inspection and enforcement functions to be conducted hereunder by the county health department. Such budget shall be examined by the director and, to the extent found by him to be reasonable for efficient inspection service, and after concurrence by the Department of Finance, shall be approved in writing. Nothing in this section shall prevent a county health department from providing more than the minimum inspectional services as prescribed in Section 1272 providing that the cost of such additional service shall be borne by the county health department.

During any period with regard to which federal law requires state inspection of facilities, other than as provided in this section, as a condition for the receipt of federal aid for medical care, the provisions of this section shall not be operative.

1274. Notwithstanding the provisions of Section 1312, with the exception of subdivision (c) thereof, the state department shall

prescribe, promulgate and enforce minimum standards of safety and sanitation in the physical plant, and of diagnostic, therapeutic and laboratory facilities for public medical institutions, other than federal medical institutions, University of California hospitals, and clinics, and other than institutions for mental disease, and all of such public medical institutions shall be subject to the provisions of this chapter.

This section shall be operative only during such times as the Federal Social Security Act and the rules of the Department of Health, Education and Welfare promulgated thereunder require that such standards shall be established and maintained in order for this state to receive reimbursement from the federal government for public assistance payments made to or in behalf of patients in public medical institutions.

Article 3. Advisory Board

1290. An advisory board shall be appointed on the operative date of this section to assist, advise and make recommendations to the director and the state department in the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director.

The board shall consist of the director, who shall serve as chairman ex officio, and 10 members, four of whom shall be superintendents or administrators of hospitals with at least five years of experience as such in hospitals having a capacity of 100 beds or more, two of whom shall be administrators or operators of nursing homes with at least five years of experience in the operation of such homes, and four of whom shall be representatives of the general public, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors. One or more of the appointed members shall be a doctor of medicine who is licensed in California. Terms of the members of the advisory board shall expire in the following order: hospital representatives, one on October 15, 1973, one on October 15, 1975, and two on October 15, 1976; nursing home representatives, one on October 15, 1973, and one on October 15, 1974; and the remaining member of the board on October 15, 1973. The initial terms of the consumer representatives shall expire one on October 15, 1974, two on October 15, 1975, and one on October 15, 1976. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed. Vacancies shall be filled by appointment for the unexpired term.

1291. Members of the advisory board shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties of their office.

1292. The advisory board shall meet with the director at least twice each year and at such other times during the year as may be determined from time to time by the director.

Article 4. Application of Chapter

1310. No person shall establish, conduct or maintain in this state any facility without first obtaining a license therefor as provided in this chapter and no political subdivision of the state, or other governmental agency within the state shall establish, conduct or maintain in this state any hospital without first obtaining a license therefor as provided in this chapter.

No person shall receive or care for persons not related to him by blood or affinity within the second degree without first obtaining a license therefor as provided in this chapter.

1311. The use of the name or title "hospital" by any person or persons to identify or represent a facility for the diagnosis, care, and treatment of human illness other than a facility subject to or specifically exempted from the licensure provisions of this chapter is prohibited. Notwithstanding the provisions of subdivision (b) of Section 1250 or any other provisions of the laws of this state, the name or title "hospital" shall not be used by any sanitarium, nursing home, convalescent home, or maternity home unless preceded by some qualifying descriptive word such as convalescent, geriatric, rehabilitation, or nursing.

1312. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this state or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the state. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any facility conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Any school dormitory or similar facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above determined by the department.

(f) Any house or institution supplying board and room only, or room only, or board only, provided that no resident thereof requires any element of care as determined by the department.

(g) Any similar facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above determined by the department.

1313. The provisions of Section 1310 shall not apply to the receiving and care of a child or children under 16 years of age by a relative, nor to such receiving and care of children from only one family by a close friend of the parent or guardian with the consent of the parent or guardian, when such receiving and care is without compensation and occurs only occasionally and irregularly, or, if regularly given, is for an average of three hours or less, on days when the care is provided.

1314. The provisions of this chapter shall not prevent local authorities of any county, city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for institutions, boarding homes, and other places for the reception or care of persons or for facilities for the reception and care of mentally disordered or incompetent persons, not in conflict with the provisions of this chapter or the rules and regulations and minimum standards adopted by the department hereunder, and requiring a local health permit to maintain or conduct any such boarding home or institution within such county, city, or city and county.

The provisions of this section shall not apply to general acute hospitals.

1315. The provisions of this chapter shall not prevent a licensed maternity home or hospital from releasing or surrendering the custody of a child under 16 years of age to any person, association or corporation designated in a written authorization signed by its parent, or, if there is no parent, by the person having legal custody of the child.

On the release of a child to any person other than a parent or relative by blood or marriage, the hospital or maternity home shall report within 48 hours to the department, on forms supplied by that agency, the name and address of the person, organization or corporation into whose custody the child was released.

Article 5. Licensing

1330. Any person, political subdivision of the state or governmental agency desiring a license under the provisions of this chapter shall file with the state department a verified application on a form prescribed, prepared and furnished by the department, containing:

- (a) The name of the applicant, and if an individual, whether the applicant has attained the age of 18 years.
- (b) The type of institution to be operated.
- (c) The location thereof.
- (d) The name of the person in charge thereof.

(e) Such other information as may be required by the state department for the proper administration and enforcement of this chapter.

(f) Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members thereof, and the person in charge of the institution for which application for license is made. If the applicant is a political subdivision of the state or other governmental agency, like evidence shall be submitted as to the person in charge of the institution for which application for license is made.

(g) Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.

1331. In addition to the requirements of Section 1330, any person, political subdivision of the state or governmental agency desiring a license as a hospital or any person desiring a license as a facility for the mentally disordered or incompetent under the provisions of this chapter which shall cover a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, except outpatient and emergency services, shall file with the state department a verified statement on a form prescribed, prepared, and furnished by the department containing:

(a) The date applicant filed its complete application for new or additional bed capacity or conversion of an existing bed capacity with the voluntary area health planning agency or voluntary local health planning agency approved pursuant to Section 437.7.

(b) The date or dates the voluntary area health planning agency or voluntary local health planning agency held a public hearing or hearings on the proposal, and evidence that the applicant participated in the hearing in accordance with established procedures of such group.

(c) The date the voluntary area health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council made a final and favorable decision concerning the new or additional bed capacity or conversion of facilities and a statement that the time for appeal has expired, or in the case of a modified approval, that the modifications have been made, or

(d) That the time allowed for decision has passed and no decision has been made or that the voluntary area health planning agency failed to act upon a lack of recommendation by the voluntary local health planning agency within the time allowed, or

(e) That more than 12 months have expired since a decision has been reached by the voluntary area health planning agency.

1332. The department may review, but shall not approve, any construction plans or issue any license for a hospital or a facility for

the mentally disordered or incompetent under this chapter which shall cover new or additional bed capacity or the conversion of an existing bed capacity to a different license category, except outpatient and emergency services, until the applicant has complied with the provisions of Section 1331.

1333. The state department may deny any license application made under provisions of this chapter for failure to meet any of the requirements set forth in Section 1330 on any of the grounds for suspension or revocation set forth in Section 1370.

1334. Each application for a license under this chapter, except applications by local hospital districts, cities, or counties, shall be accompanied by a fee determined annually by the director by regulation and in an amount sufficient to cover the cost to the State General Fund of administering this chapter. Separate fees shall be established for categories or classifications of facilities in an amount commensurate with their respective share of the cost of administering this chapter. The annual fee for any category or classification of facilities shall not be increased by more than 10 percent over the annual amount of fee charged for the prior fiscal year.

1335. Each license issued under this chapter shall expire 12 months from the date of its issuance. Application for renewal of license accompanied by the necessary fee shall be filed with the state department not less than 10 days prior to the expiration each year. Failure to make a timely renewal shall result in expiration of the license.

1336. The department may grant certificates without payment of fees to private homes for family care of not more than six patients on leave of absence from state hospitals provided, however, that such homes shall be regulated by standards established by the department for the care of such patients.

The department may dispense with any requirements of this chapter in an established licensed home to receive not more than three mentally disordered or incompetent persons.

Licenses may be issued without payment of a fee to family homes which do not have the capacity to receive or care for more than six mentally disordered or incompetent persons.

1338. Any county may apply for, and the department may issue to any county department designated by the county making the application, a license to perform the homefinding and placement functions, other than adoption, specified in subdivision (d) of Section 1250.

1339. Upon the filing of the application for license provided for and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department, the department shall issue to the applicant the license applied for.

1340. Every facility for which a license has been issued shall be periodically inspected by a duly authorized representative of the

state department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

1341. The director shall require as a condition precedent to the issuance, or the renewal, of any license for a nursing and convalescent home or for any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above, if the operator of the nursing and convalescent home or any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above handles or will handle any money of patients within such home, that the applicant for the license or the renewal of the license file or have on file with the director a bond issued by a surety company admitted to do business in this state in a sum to be fixed by the director based upon the magnitude of the operations of the applicant, but which sum shall not be less than one thousand dollars (\$1,000), running to the State of California and conditioned upon his faithful and honest handling of the money of patients within the home.

Every person injured as a result of any improper or unlawful handling of the money of a patient of a nursing and convalescent home or any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above may bring an action in a proper court on the bond required to be posted by the operator pursuant to this section for the amount of damage he suffered as a result thereof to the extent covered by the bond.

Whenever the director determines that the amount of any bond which is filed with him pursuant to this section is insufficient to adequately protect the money of patients which is being handled by the operator of a nursing and convalescent home or any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above, or whenever the amount of any such bond is impaired by any recovery against the bond, the director may require the operator to file with the director an additional bond in such amount as the director determines is necessary to adequately protect the money of patients which is being handled by the operator of such home.

The failure of the operator of any licensed nursing and convalescent home or any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above to maintain on file with the director a bond in the amount prescribed by the director pursuant to this section is a ground for the revocation of the license of such home.

The provisions of this section shall not apply if the operator of the nursing and convalescent home or any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above handles less than twenty-five dollars (\$25) per patient and less than five hundred dollars (\$500) for all patients in the home in any month.

1342. The director may grant a partial or total variance from the

bonding requirements of Section 1341 for any facility described in subdivision (c) of Section 1250 for the care of persons aged 16 and above if he finds that compliance with them is so onerous that an institution or boarding home will cease to operate, and if he also finds that money of the persons received or cared for in the institution or boarding home has been, or will be, deposited in a bank in this state or in a trust company authorized to transact a trust business in this state or a savings and loan association in this state, upon condition that such money may not be withdrawn except on authorization of the guardian or conservator of such person.

1342.5. Dental services as defined in the Dental Practice Act may be provided patients in hospitals licensed under this chapter. Such services shall be provided by persons licensed by the State of California under Section 1611 of the Business and Professions Code. However, this section shall not limit or restrict the right of a licensed physician and surgeon to perform any acts authorized under the Medical Practice Act.

1343. The rules of the hospital may include provisions for use of the hospital facilities by duly licensed podiatrists subject to rules and regulations governing such use established by the medical staff or the podiatric staff of the hospital. Such staff comprised of physicians and surgeons, podiatrists, or any combination thereof, may regulate the admission, conduct, suspension, or termination, of the podiatrists while using the facilities of the hospital. No classification of hospitals by the state department pursuant to Section 1270, nor any other classification of hospitals based on quality of service or otherwise, by any person, body, or governmental agency of this state or any subdivision thereof shall be effected by a hospital's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be effected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of hospital facilities. No classification of hospitals by any governmental agency of this state or any subdivision thereof pursuant to present law or law passed hereinafter for the purposes of ascertaining eligibility for compensation, reimbursement, or other benefit for treatment of patients shall be effected by a hospital's provision for use of its facilities by duly licensed podiatrists, nor shall any such classification be effected by the subjection of the podiatrists to the rules and regulations of a staff comprising podiatrists, physicians and surgeons, or any combination thereof, which govern the podiatrists' use of hospital facilities.

1344. No act or omission of any rescue team established by any hospital licensed under this chapter, or operated by the federal or state government, a county, or by the Regents of the University of California, done or omitted while attempting to resuscitate any person who is in immediate danger of loss of life shall impose any liability upon the hospital, the officers, members of the staff, nurses, or employees of the hospital, including, but not limited to the

members of the rescue team, or upon the federal or state government or a county, if good faith is exercised.

“Rescue team,” as used in this section, means a special group of physicians and surgeons, nurses, and employees of a hospital who have been trained in cardiopulmonary resuscitation and have been designated by the hospital to attempt, in cases of emergency, to resuscitate persons who are in immediate danger of loss of life.

This section shall not relieve a hospital of any duty otherwise imposed by law upon the hospital for the designation and training of members of a rescue team or for the provision or maintenance of equipment to be used by a rescue team.

1345. Emergency services and care shall be provided to any person requesting such services or care, or for whom such services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, at any hospital licensed under this chapter that maintains and operates an emergency department to provide emergency services to the public when such hospital has appropriate facilities and qualified personnel available to provide such services or care.

Neither the hospital, its employees, nor any physician, dentist, or podiatrist shall be held liable in any action arising out of a refusal to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, the qualifications and availability of personnel to render such services.

The person, if able, or the person responsible for and accompanying such person, shall execute an agreement to pay the charges for such services or care.

1346. Each person who operates and lives in, or who is employed in, a facility licensed by the department described in subdivision (c) of Section 1250 shall have on file with the facility a certificate from a physician showing that during the preceding year he has submitted to an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, was followed by an X-ray of the lungs, and has been found free from active tuberculosis. The provisions of this section shall not apply to any boarding home, institution or other facility, for the reception and care of persons, operated by and for the adherents of a bona fide church, sect, or denomination, who rely upon prayer in the practice of religion for their protection and health; provided that such institution, boarding home or other facility for the reception and care of persons limits its admission to members of the particular faith of those operating the facility.

1347. Before issuing a license to any person to operate a facility described in subdivision (c) of Section 1250 for children under 16 years of age, the department shall secure from the Federal Bureau of Investigation or State Bureau of Criminal Identification and Investigation a full criminal record to determine whether the applicant or his spouse has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant, or his spouse

living in the same location, has been so convicted, the application shall be denied, unless otherwise provided pursuant to the following paragraph.

After review of the record, the director may exempt any applicant for a license from the provisions of this section, if the record reveals no conviction of a felony involving intentional bodily harm or a sex offense, and if the director or person in charge of the county or city inspection service believes the applicant to be of such good character as to justify issuance of a license.

1348. The department shall require, as a condition to the issuance or retention of a license or permit, that any contracts made by a facility described in subdivision (c) of Section 1250, under which payment is made in advance for care of the person aged 16 and above for a period of one year or more, shall be in writing and in a form approved by the department, prior to its use by the institution, home, or place.

1348.5. Upon the death of a person in a facility described in subdivision (c) of Section 1250 or change in the administrative personnel of any such home, the holder of the license shall, within 48 hours, give written notice thereof to the department.

Article 6. Offenses Against Chapter

1350. Any person who violates any of the provisions of this chapter or who willfully or repeatedly violates any rule or regulation promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

1351. The director may bring an action to enjoin the violation or threatened violation of Section 1310 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

1352. The director may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home of the provisions of this chapter, including the operation of such a home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes, in a case where such violations threaten the health or safety of patients in the home in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or

tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss. Upon a finding by the director that such violations threaten the health or safety of patients in the home, the health officer of any county or city health department which has been delegated inspection authority as defined in Section 1272 may bring an action to enjoin the violation, threatened violation, or continued violation by any nursing and convalescent home which is located in an area which is under his local health jurisdiction of the provisions of this chapter, including the operation of such home without a license, or of any of the regulations promulgated under this chapter for nursing and convalescent homes.

1353. Any officer, authorized employee, or agent of the State Department of Health may enter and inspect any building or premises at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter.

1354. The district attorney of every county shall, upon application by the State Department of Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter.

Article 7. Suspension, Revocation and Suspension of Licenses

1370. The state department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided:

(a) Violation by the licensee of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the violation of any provision of this chapter, or of the rules and regulations promulgated under this chapter.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

1371. Proceedings for the suspension, revocation or denial of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

1372. The withdrawal of an application for a license after it has been filed with the state department shall not, unless the state department consents in writing to such withdrawal, deprive the state department of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

The suspension, expiration, or forfeiture by operation of law of a license issued by the state department, or its suspension, forfeiture, or cancellation by order of the state department or by order of a court of law, or its surrender without the written consent of the state department, shall not deprive the state department of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

1373. Any license revoked pursuant to this chapter may be reinstated pursuant to the provisions of Section 11522 of the Government Code.

1374. Any licensee may, with the approval of the state department, surrender his license for suspension or cancellation by the state department. Any license suspended or canceled pursuant to this section may be reinstated by the state department on receipt of an application showing compliance with the requirements of Section 1330.

Article 8. Malpractice Actions

1390. Every insurer providing professional liability insurance to a hospital licensed pursuant to this chapter shall report periodically, but in no event less than once each year, to the State Department of Health any final judgment over three thousand dollars (\$3,000) rendered against such hospital during the preceding year in, or settlement over three thousand dollars (\$3,000) during the preceding year of, a claim or action for damages for personal injuries caused by an error, omission, or negligence in the performance of its professional services, or by the performance of its professional services without consent.

1391. Notwithstanding any other provision of law, no insurer shall enter into a settlement exceeding three thousand dollars (\$3,000) to settle a claim or action referred to in Section 1390 without the written consent of the insured, except that this prohibition shall not void any settlement entered into without such written consent.

The requirement of written consent can only be waived by both the insured and the insurer.

The provisions of this section shall only apply to a settlement on a policy of insurance executed or renewed on or after the effective date of this section.

1392. The State Department of Health shall keep a record of all reports made pursuant to Section 1390.

The department shall prepare a statistical report based upon such records for presentation to the Legislature not later than 30 days after the commencement of each regular session of the Legislature. The first report following the effective date of this section shall be presented during the 1973 Regular Session of the Legislature and shall include recommendations for corrective legislation if the

department considers legislation to be necessary.

1393. The State Department of Health shall notify every hospital licensed pursuant to this chapter of the provisions of this article.

SEC. 4. Section 1504 of the Health and Safety Code is amended to read:

1504. Each application for a license under this chapter shall be accompanied by a fee determined by the director by regulations based on the total number of handicapped persons to be served and in an amount sufficient to cover the cost of administering this chapter.

Establishments whose principal support is derived from taxes shall be exempt from the payment of the fees required by this section.

SEC. 5. Section 1505 of the Health and Safety Code is amended to read:

1505. Each license issued under this chapter shall expire 12 months from the date of its issuance and shall be renewed automatically upon the payment of the fee provided for in Section 1504, unless the state department finds after hearing that the applicant has not complied with the provisions of this chapter or the rules and regulations of the department, and returns the fee to the applicant.

SEC. 6. Section 1616 of the Health and Safety Code is amended to read:

1616. Each application for a license under this chapter shall be accompanied by a fee determined by the director by regulations and in an amount sufficient to cover the cost of administering this chapter.

Each license issued under this chapter shall expire 12 months from the date of its issuance. Application for renewal of license accompanied by the fee shall be filed with the department not less than 10 days prior to the expiration each year. Failure to make a timely renewal shall result in expiration of the license.

SEC. 7. Section 1676 of the Health and Safety Code is amended to read:

1676. An annual fee, to be employed for the enforcement of this act, shall accompany each application for approval. The fee shall be determined by the director by regulations based on the number of animals used for the purposes of this chapter and in an amount sufficient to cover the cost of administering this chapter.

SEC. 8. Section 1677 of the Health and Safety Code is amended to read:

1677. Annual fees payable under this chapter shall become due and payable by each person approved by the board 12 months from the date of its issuance. Such fees shall be paid by the department into the General Fund in the State Treasury. It is the intention of the Legislature that the cost of administering this act shall be substantially covered by the revenues collected hereunder.

SEC. 9. Section 1729 of the Health and Safety Code is amended to read:

1729. Each application for a license under this chapter, except applications by political subdivisions, shall be accompanied by a fee for the headquarters or main office of the agency and for each additional branch office maintained and operated by the agency in an amount determined by the director that is sufficient to cover the cost of administering this chapter. If a license is denied by the state department, all but twenty-five dollars (\$25) of the fee shall be returned to the applicant.

SEC. 10. Section 1730 of the Health and Safety Code is amended to read:

1730. Each license issued under this chapter shall expire 12 months from the date of its issuance. Application for renewal of license accompanied by the necessary fee shall be filed with the state department annually, not less than 10 days prior to expiration date. Failure to make a timely renewal shall result in expiration of the license.

SEC. 11. Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code is repealed.

SEC. 12. Section 10554.1 of the Welfare and Institutions Code, as added by Chapter 1593 of the 1971 Statutes, is amended to read:

10554.1. The Director of Health is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the State Department of Health, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that regulations relating to services need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department.

In adopting regulations the Director of Health shall strive for clarity of language which may be readily understood by those administering services or subject to such regulations.

The rules of the State Department of Health need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the State Department of Health is required to use, submit or maintain such forms, reports or records.

SEC. 13. Chapter 1 (commencing with Section 16000) of Part 4 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 14. Section 16100 of the Welfare and Institutions Code is amended to read:

16100. Any county may apply for, and the department may issue pursuant to Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code to any county agency designated by the county making the application, a license to perform the home-finding and placement functions, to investigate, examine, and make reports upon petitions for adoption filed in the superior court,

to act as a placement agency in the placement of children for adoption, to accept relinquishments for adoption, and to perform such other functions in connection with adoption as the department deems necessary, or to do any of them.

In order to extend the services of county adoption agencies to the maximum number of counties practicable within the limits of funds appropriated therefor, the department may license a county adoption agency to operate in such other counties in the general area of the agency as it deems conducive to the effective and efficient administration of the adoption program.

A license issued to a county agency pursuant to this section constitutes the holder thereof a "county adoption agency," and the holder shall be deemed to be an "organization" within the meaning of this code and of Chapter 2, Title 2, Part 3, Division 1, of the Civil Code.

SEC. 15. Chapter 3 (commencing with Section 16200) of Part 4 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 16. Section 16300 of the Welfare and Institutions Code is amended to read:

16300. Any organization or person may receive transfers of property from an aged person, conditioned upon an agreement to furnish life care or care for a period of more than one year, which agreement may include the cash payment of personal and incidental expenses to the transferor or his nominee; provided, such organization or person has received a written license pursuant to Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code, and such organization or person has been granted a certificate of authority by the department.

Organizations or persons who furnish care exclusively under agreements, which may be canceled by either party without cause, are required to obtain a certificate of authority from the department for all agreements issued after October 1, 1957, if payment or transfer of property is made in advance to cover cost of care for one year or more; provided, however, that, if any such organization or person is a nonprofit benevolent organization, which accepts property in an amount less than the cost of care, the amount of reserve required of it under Section 16304 shall be reduced in the same proportion as the estimated cost of care bears to the value of the property transferred.

SEC. 17. Section 16312 of the Welfare and Institutions Code is amended to read:

16312. Certificates of authority may be suspended or revoked for cause by the department.

Failure of the organization or person to meet the licensing requirements of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or the reserve requirements of Section 16304 shall constitute cause for suspension or revocation of the certificate of authority.

The person or organization whose certificate of authority is suspended or revoked shall have right of appeal to the department.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all of the powers granted therein.

SEC. 18. Section 10 of Chapter 1626 of the Statutes of 1971 is amended to read:

Sec. 10. The provisions of Section 5115 of the Welfare and Institutions Code relating to the residential use for purposes of zoning of homes for the care of six or fewer mentally disordered or otherwise handicapped persons, shall be applicable to Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code.

Nothing in this act shall be construed as authorizing local agencies to impose stricter zoning or building and safety standards upon existing institutions than existed prior to its enactment.

SEC. 19. Whenever in any provision of law there is a reference to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code or to Chapter 1 (commencing with Section 16000) of Part 4 of Division 9 of the Welfare and Institutions Code or to Chapter 3 (commencing with Section 16200) of Part 4 of Division 9 of the Welfare and Institutions Code or Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code, it shall be deemed to mean Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

SEC. 20. This act shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

CHAPTER 1149

An act to add Sections 3212.4, 4804.1, 4804.2, 4804.3, 4804.4, and 4804.5 to the Labor Code, relating to University of California fire departments.

[Approved by Governor November 27, 1972 Filed with
Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3212.4 is added to the Labor Code, to read:
3212.4. In the case of a member of a University of California fire department located at a campus or other facility administered by the Regents of University of California, when any such member is employed by such a department upon a regular, full-time salary, on a nonprobationary basis, the term "injury" as used in this division includes heart trouble, hernia, or pneumonia which develops or manifests itself during a period while such member is in the service of such a University of California fire department. The compensation which is awarded for such heart trouble, hernia, or pneumonia shall include full hospital, surgical, medical treatment, disability

indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble, hernia, or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such heart trouble, hernia, or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

The term "member" as used herein shall exclude those employees of a University of California fire department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly fall within the scope of active firefighting and prevention service.

SEC. 2. Section 4804.1 is added to the Labor Code, to read:

4804.1. Whenever any member of a University of California fire department specified in Section 3212.4 falling within the active "firefighting and prevention service" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with a University of California fire department, to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of a University of California fire department whose principal duties consist of active firefighting and prevention service and shall not apply to persons employed in a University of California fire department whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic, or otherwise clearly not falling within the scope of active firefighting and prevention service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active firefighting and prevention service.

SEC. 3. Section 4804.2 is added to the Labor Code, to read:

4804.2. It shall be the duty of the appeals board to determine in the case of members of a University of California fire department specified in Section 4804.1, upon request of the Regents of the University of California, whether or not the disability referred to in Section 4804.1 arose out of and in the course of duty. The appeals board shall, also in any disputed case, determine when such disability ceases.

SEC. 4. Section 4804.3 is added to the Labor Code, to read:

4804.3. Any such member of a University of California fire department specified in Section 4804.1, so disabled is entitled from the date of injury and regardless of retirement under the Public Employees' Retirement System, or other retirement system, to the medical, surgical, and hospital benefits prescribed by this division as part of the compensation for persons injured in the course of and arising out of their employment, at the expense of the Regents of the

University of California, and such expense shall be charged upon the fund out of which the compensation of the member is paid.

SEC. 5. Section 4804.4 is added to the Labor Code, to read:

4804.4. Whenever such disability of such member of a University of California fire department, specified in Section 4804.1, continues for a period beyond one year, such member shall thereafter be subject, as to disability indemnity, to the provisions of this division other than Section 4804.1, which refers to temporary disability only, during the remainder of the disability, except that such compensation shall be paid out of funds available for the support of the Regents of the University of California, and the leave of absence shall continue.

SEC. 6. Section 4804.5 is added to the Labor Code, to read:

4804.5. No disability indemnity shall be paid to said member of a University of California fire department, specified in Section 4804.1, as temporary disability concurrently with wages or salary payments.

CHAPTER 1150

An act to amend Sections 17072, 17207, 17216.2, 17402, 17411, 17503, 17511, 17673, 17711, 17712, 17734, 17737, 17852, 18152, 18172, 18181, 18182, 18183, 18187, 18189, 18190, 18191, 18192, 18242, and 18244 of, and to repeal Sections 18151, 18162 and 18202 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor November 27, 1972 Filed with
Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 17072 of the Revenue and Taxation Code is amended to read:

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in

connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(d) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part, by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(e) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681. Nothing in this section shall permit the same item to be deducted more than once.

(f) In the case of an individual who is an employee within the meaning of Section 17502.2(a), the deductions allowed by Sections 17513 to 17525, inclusive, and Section 17526(c) to the extent attributable to contributions made on behalf of such individual.

(g) The deduction allowed by Section 17266.

SEC. 1.5. Section 17072 of the Revenue and Taxation Code is amended to read:

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing with

Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) Except as limited under paragraphs (1), (2), and (3), any expenses paid or incurred by the taxpayer or his spouse in connection with the adoption of a child by them, if the taxpayer and his spouse claim the standard deduction under Section 17171. Such expenses include any medical and hospital expenses of the mother of an adopted child which are incident to the child's birth, and any welfare agency, legal and other fees or costs relating to the adoption.

(1) A husband and wife who file a joint return may deduct only those adoption expenses which do not exceed one thousand dollars (\$1,000).

(2) A married taxpayer who files a separate return may deduct only those adoption expenses which do not exceed five hundred dollars (\$500).

(3) An unmarried taxpayer filing as a single person or as a head of household may deduct only those adoption expenses which do not exceed one thousand dollars (\$1,000).

(d) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(e) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part, by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(f) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681. Nothing in this section shall permit the same item to be deducted more than once.

(g) In the case of an individual who is an employee within the meaning of Section 17502.2(a), the deductions allowed by Sections 17513 to 17525, inclusive, and Section 17526(c) to the extent attributable to contributions made on behalf of such individual.

(h) The deduction allowed by Section 17266.

SEC. 2. Section 17207 of the Revenue and Taxation Code is amended to read:

17207. (a) (1) There shall be allowed as a deduction any debt which becomes worthless within the taxable year; (2) When satisfied that a debt is recoverable only in part, the Franchise Tax Board may

allow such debt in an amount not in excess of the part charged off within the taxable year, as a deduction.

(b) For purposes of subdivision (a), the basis for determining the amount of the deduction for any bad debt shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) a deduction for a reasonable addition to a reserve for bad debts.

(d) (1) (A) Subdivisions (a) and (c) shall not apply to any nonbusiness debt; and

(B) Where any nonbusiness debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than one year.

(2) For purposes of paragraph (1), the term "nonbusiness debt" means a debt other than—

(A) A debt created or acquired (as the case may be) in connection with a trade or business of the taxpayer; or

(B) A debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(e) This section shall not apply to a debt which is evidenced by a security as defined in subparagraph (C) of paragraph (2) of subdivision (g) of Section 17206.

(f) A payment by the taxpayer in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of a noncorporate obligation the proceeds of which were used in the trade or business of the borrower shall be treated as a debt becoming worthless within such taxable year for purposes of this section (except that subdivision (d) shall not apply), but only if the obligation of the borrower to the person to whom such payment was made was worthless (without regard to such guaranty, endorsement, or indemnity) at the time of such payment.

(g) (1) In the case of a taxpayer who is a dealer in property, in lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) for any taxable year beginning on and after January 1, 1967, a deduction—

(A) For a reasonable addition to a reserve for bad debts which may arise out of his liability as a guarantor, endorser, or indemnitor of debt obligations arising out of the sale by him of real property or tangible personal property (including related services) in the ordinary course of his trade or business; and

(B) For the amount of any reduction in the suspense account required by clause (i) of subparagraph (B) of paragraph (4).

(2) Except as provided in paragraph (1), no deduction shall be allowed to a taxpayer for any addition to a reserve for bad debts which may arise out of his liability as guarantor, endorser, or indemnitor of debt obligations.

(3) The opening balance of a reserve described in subparagraph

(A) of paragraph (1) for the first taxable year beginning on and after January 1, 1967, for which a taxpayer maintains such reserve shall, under regulations prescribed by the Franchise Tax Board, be determined as if the taxpayer had maintained such reserve for the preceding taxable years.

(4) (A) Except as provided by subparagraph (C), each taxpayer who maintains a reserve described in subparagraph (A) of paragraph (1) shall, for purposes of this subdivision and Section 17122, establish and maintain a suspense account. The initial balance of such account shall be equal to the opening balance described in paragraph (3).

(B) At the close of each taxable year the suspense account shall be—

(i) Reduced by the excess of the suspense account at the beginning of the year over the reserve described in subparagraph (A) of paragraph (1) (after making the addition for such year provided in such paragraph), or

(ii) Increased (but not to an amount greater than the initial balance of the suspense account) by the excess of the reserve described in subparagraph (A) of paragraph (1) (after making the addition for such year provided in such paragraph) over the suspense account at the beginning of such year.

(C) Subparagraphs (A) and (B) shall not apply in the case of the taxpayer who maintained for his last taxable year beginning before January 1, 1967, a reserve for bad debts under subdivision (c) which included debt obligations described in subparagraph (A) of paragraph (1).

(5) If the taxpayer establishes a reserve under paragraph (1) of subdivision (g) of this section for a taxable year beginning on and after January 1, 1967, and ending before December 1, 1968, the establishment of such reserve shall not be considered as a change in method of accounting for purposes of subdivision (e) of Section 17561.

SEC. 3. Section 17216.2 of the Revenue and Taxation Code is amended to read:

17216.2. (a) The amount of any charitable contribution of property otherwise taken into account under Section 17214 shall be reduced by the sum of—

(1) The amount of gain which would not be recognized under paragraph (2) or (3) of subdivision (a) of Section 18162.5, if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution), and

(2) In the case of a charitable contribution—

(A) Of tangible personal property, if the use by the donee is unrelated to the purpose or function constituting the basis for its exemption under Section 23701 (or, in the case of a governmental unit, to any purpose or function described in Section 17214), or

(B) To or for the use of a private foundation (as defined in Section 509(a) of the Internal Revenue Code), other than a private foundation described in Section 170(b)(1)(E) of that code,

_____ the amount of gain which would have been recognized under paragraph (2) or (3) of subdivision (a) of Section 18162.5 if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution).

For purposes of applying this subdivision (other than in the case of gain to which Section 18211 applies), property which is property used in the trade or business (as defined in Section 18182) shall be treated as a capital asset.

(b) For purposes of subdivision (a), in the case of a charitable contribution of less than the taxpayer's entire interest in the property contributed, the taxpayer's adjusted basis in such property shall be allocated between the interest contributed and any interest not contributed in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 4. Section 17402 of the Revenue and Taxation Code is amended to read:

17402. (a) In the case of property distributed in complete liquidation of a corporation, other than a collapsible corporation to which Section 17411 applies if—

(1) The liquidation is made in pursuance of a plan of liquidation adopted on or after December 31, 1950; and

(2) The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month following the year 1950, then in the case of each qualified electing shareholder (as defined in subdivision (c)) gain upon the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subdivision (e).

(b) For purposes of this section, the term "excluded corporation" means a corporation which at any time between January 1, 1956, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(c) For purposes of this section, the term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subdivision (a) has been made and filed in accordance with subdivision (d), but in the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 percent of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(d) The written elections referred to in subdivision (c) must be made and filed in such manner as to be not in contravention of

regulations prescribed by the Franchise Tax Board. The filing must be within 30 days after the date of the adoption of the plan of liquidation or within one month after the effective date of this amended section whichever is later and may be made by the liquidating corporation or by its stockholders.

(e) In the case of a qualified electing shareholder—

(1) There shall be recognized and treated as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under paragraph (2) of subdivision (a), but without diminution by reason of distribution made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(2) There shall be recognized, and treated as a capital gain, so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after August 15, 1950, exceeds his ratable share of such earnings and profits.

SEC. 5. Section 17411 of the Revenue and Taxation Code is amended to read:

17411. Gain from—

(a) The sale or exchange of stock of a collapsible corporation;

(b) A distribution in partial or complete liquidation of a collapsible corporation, which distribution is treated under this part as in part or full payment in exchange for stock; and

(c) A distribution made by a collapsible corporation which, under paragraph (1) of subdivision (c) of Section 17323, is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, to the extent that it would be considered (but for the provisions of this article) as gain from the sale or exchange of a capital asset shall, except as provided in this article, be considered as gain from the sale or exchange of property which is not a capital asset.

SEC. 6. Section 17503 of the Revenue and Taxation Code is amended to read:

17503. (a) Except as provided in subdivision (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 which is exempt from tax under Section 17631 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17112.7, inclusive (relating to annuities). The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by

the Franchise Tax Board.

(b) In the case of an employees' trust described in Section 17501, which is exempt from tax under Section 17631, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amount contributed by the employee (determined by applying Section 17106), which employee contributions shall be reduced by any amount theretofore distributed to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than five years.

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

This subdivision shall not apply to distributions paid to any distributee to the extent such distributions are attributable to contributions made on behalf of the employee while he was an employee within the meaning of subdivision (a) of Section 17502.2.

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form.

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in subdivisions (e) and (f) of Section 17535) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

(d) The first sentence of subdivision (b) shall apply to a distribution paid after December 31, 1969 only to the extent that it does not exceed the sum of—

(1) The benefits accrued by the employee on behalf of whom it is paid during plan years beginning before January 1, 1970, and

(2) The portion of the benefits accrued by such employee during plan years beginning after December 31, 1969, which the distributee establishes does not consist of the employee's allocable share of employer contributions to the trust by which such distribution is paid.

The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this subdivision.

SEC. 7. Section 17511 of the Revenue and Taxation Code is amended to read:

17511. Except as provided in subdivision (a), if an annuity contract is purchased by an employer for an employee under a plan which meets the requirements of Section 17515 (whether or not the employer deducts the amounts paid for the contract under such section), the employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17112.7, inclusive (relating to annuities).

(a) If—

(1) An annuity contract is purchased by an employer for an employee under a plan described in the first paragraph;

(2) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(3) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee, which employee contributions shall be reduced by any amounts theretofore paid to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than five years. This subdivision shall not apply to amounts paid to any payee to the extent such amounts are attributable to contributions made on behalf of the employee while he was an employee within the meaning of subdivision (a) of Section 17502.2.

(b) For purposes of subdivision (a), the term "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service.

(c) Subdivision (a) shall apply to a payment paid after December 31, 1969, only to the extent it does not exceed the sum of—

(1) The benefits accrued by the employee on behalf of whom it is paid during plan years beginning before January 1, 1970, and

(2) The portion of the benefits accrued by such employee during plan years beginning after December 31, 1969, which the payee establishes does not consist of the employee's allocable share of employer contributions under the plan under which the annuity contract is purchased.

The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this subdivision.

(d) For purposes of this section, the term "employee" includes an individual who is an employee within the meaning of subdivision (a) of Section 17502.2, and the employer of such individual is the person treated as his employer under subdivision (d) of Section 17502.2.

SEC. 8. Section 17673 of the Revenue and Taxation Code is

amended to read:

17673. (a) Each participant in the common trust fund in computing its taxable income shall include, whether or not distributed and whether or not distributable—

(1) As part of its capital gains or losses, its proportionate share of the net capital gains or losses of the common trust fund;

(2) Its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in Section 17674.

(b) The appropriate or proportionate share of any participant in any income of a common trust fund which would not be taxable by this state or which this state would be prohibited from taxing by the Constitution of this state or of the United States if received directly by the participants shall not be taxable to the recipients of such income.

SEC. 9. Section 17711 of the Revenue and Taxation Code is amended to read:

17711. If the taxpayer so elects upon his return for a taxable year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than one year prior to the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. In case such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the adjusted basis for depletion of such timber in the hands of the taxpayer and the fair market value of such timber. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this section such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding upon the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the Franchise Tax Board, on showing of undue hardship, permits the taxpayer to revoke his election; such revocation, however, shall preclude any further elections under this section except with the consent of the Franchise Tax Board. For purposes of this section and Section 17712, the term "timber" includes evergreen trees which are more than six years old at the time severed from the roots and are sold for ornamental purposes.

SEC. 10. Section 17712 of the Revenue and Taxation Code is amended to read:

17712. In the case of the disposal of timber held for more than one year before such disposal, by the owner thereof under any form or type of contract by virtue of which such owner retains an economic interest in such timber, the difference between the amount realized

from the disposal of such timber and the adjusted depletion basis thereof, shall be considered as though it were a gain or loss, as the case may be, on the sale of such timber. In determining the gross income, the adjusted gross income, or the taxable income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this section. The date of disposal of such timber shall be deemed to be the date such timber is cut, but if payment is made to the owner under the contract before such timber is cut the owner may elect to treat the date of such payment as the date of disposal of such timber. For purposes of this section, the term "owner" means any person who owns an interest in such timber, including a sublessor and a holder of a contract to cut timber.

SEC. 11. Section 17734 of the Revenue and Taxation Code is amended to read:

17734. (a) In the case of an estate or trust (other than a trust meeting the specifications of Article 2) there shall be allowed as a deduction in computing its taxable income (in lieu of the deductions allowed by Sections 17214 and 17303, relating to deduction for charitable, etc., contributions and gifts) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid for a purpose specified in Sections 17214 and 17303. If a charitable contribution is paid after the close of such taxable year and on or before the last day of the year following the close of such taxable year, then the trustee or administrator may elect to treat such contribution as paid during such taxable year. The election shall be made at such time and in such manner as the Franchise Tax Board by regulations prescribes.

(b) In the case of an estate, and in the case of a trust (other than a trust meeting the specifications of Article 2 (commencing with Section 17751) of this chapter) required by the terms of its governing instrument to set aside amounts which was—

(1) Created on or before December 31, 1970, if—

(A) An irrevocable remainder interest is transferred to or for the use of an organization described in Section 17214, or

(B) The grantor is at all times after December 31, 1970, under a mental disability to change the terms of the trust; or

(2) Established by a will executed on or before December 31, 1970, if—

(A) The testator dies before October 9, 1972, without having republished the will after December 31, 1970, by codicil or otherwise,

(B) The testator at no time after December 31, 1970, had the right to change the portions of the will which pertain to the trust, or

(C) The will is not republished by codicil or otherwise before October 9, 1972, and the testator is on such date and at all times thereafter under a mental disability to republish the will by codicil or otherwise,

there shall also be allowed as a deduction in computing its taxable income any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, permanently set aside for a purpose specified in Section 17214, or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit. In the case of a trust, the preceding sentence shall apply only to gross income earned with respect to amounts transferred to the trust before December 31, 1970, or transferred under a will to which paragraph (2) applies.

(c) In the case of a pooled income fund (as defined in subdivision (e)), there shall also be allowed as a deduction in computing its taxable income any amount of the gross income attributable to gain from the sale of a capital asset held for more than one year, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, permanently set aside for a purpose specified in Section 17214.

(d) To the extent that the amount otherwise allowable as a deduction under this subdivision consists of gain from the sale or exchange of capital assets held for more than one year, proper adjustment shall be made to take into account any gain not recognized to the estate or trust under Section 18162.5 (relating to recognized capital gains and losses). In the case of a trust, the deduction allowed by this subdivision shall be subject to Section 17811 (relating to unrelated business income) and Sections 17812 to 17818, inclusive (relating to prohibited transactions).

(e) For purposes of subdivision (c), a pooled income fund is a trust—

(1) To which each donor transfers property, contributing an irrevocable remainder interest in such property to or for the use of an organization described in subparagraph (A) of paragraph (1) of subdivision (b) of Section 23707 (other than clauses (vii), (viii), (ix) or (x)), and retaining an income interest for the life of one or more beneficiaries (living at the time of such transfer),

(2) In which the property transferred by each donor is commingled with property transferred by other donors who have made or make similar transfers,

(3) Which cannot have investments in securities which are exempt from taxes imposed by this part,

(4) Which includes only amounts received from transfers which meet the requirements of this subdivision,

(5) Which is maintained by the organization to which the remainder interest is contributed and of which no donor or beneficiary of an income interest is a trustee, and

(6) From which each beneficiary of an income interest receives income, for each year for which he is entitled to receive the income interest referred to in paragraph (1), determined by the

rate of return earned by the trust for such year. For purposes of determining the amount of any charitable contribution allowable by reason of a transfer of property to a pooled fund, the value of the income interest shall be determined on the basis of the highest rate of return earned by the fund for any of the three taxable years immediately preceding the taxable year of the fund in which the transfer is made. In the case of funds in existence less than three taxable years preceding the taxable year of the fund in which a transfer is made, the rate of return shall be deemed to be 6 percent per annum, except that the Franchise Tax Board may prescribe a different rate of return.

(f) In the case of a private foundation which is not exempt from taxation under Section 23701d for the taxable year, the provisions of this section shall not apply and the provisions of Section 17214 shall apply.

SEC. 12. Section 17737 of the Revenue and Taxation Code is amended to read:

17737. If on the termination of an estate or trust, the estate or trust has—

(a) A capital loss carryover under Section 18152, or

(b) For the last taxable year of the estate or trust deductions (other than the deduction allowed under subdivision (d) of Section 17734) in excess of gross income for such year, then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the Franchise Tax Board, to the beneficiaries succeeding to the property of the estate or trust.

SEC. 13. Section 17852 of the Revenue and Taxation Code is amended to read:

17852. In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

(a) Gains and losses from sales or exchanges of capital assets;

(b) Gains and losses from sales or exchanges of property described in Section 18181 and 18182 (relating to certain property used in a trade or business and involuntary conversions);

(c) Charitable contributions (as defined in Section 17214);

(d) Political contributions (as defined in Section 17234);

(e) Taxes, described in Section 18006, paid to another state on such income;

(f) Other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Franchise Tax Board; and

(g) Taxable income or loss, exclusive of items requiring separate computation under other subdivisions of this section.

SEC. 14. Section 18151 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 18152 of the Revenue and Taxation Code is amended to read:

18152. (a) Losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges,

plus (if such losses exceed such gains) whichever of the following is smallest:

(1) The taxable income for the taxable year, or

(2) One thousand dollars (\$1,000).

(b) In the case of a husband or wife who files a separate return, the amount specified in paragraph (2) of subdivision (a) shall be five hundred dollars (\$500) in lieu of one thousand dollars (\$1,000).

(c) For purposes of subdivision (a), taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax imposed by Section 17048, "taxable income" as used in this section shall read as "adjusted gross income".

(d) If a taxpayer has a net capital loss for any taxable year the excess of such net capital loss shall be a capital loss in the succeeding taxable year.

(e) In the case of a net capital loss which a taxpayer is entitled to carry over from any taxable year beginning before January 1, 1972—

(1) If the net short-term capital loss (as defined prior to the repeal of Section 18162 by the 1972 session of the Legislature) exceeded the net long-term capital gain (as defined prior to the repeal of Section 18162 by the 1972 session of the Legislature), the excess shall be carried over at 100 percent.

(2) If the net long-term capital loss (as defined prior to the repeal of Section 18162 by the 1972 session of the Legislature) exceeded the net short-term capital gain (as defined prior to the repeal of Section 18162 by the 1972 session of the Legislature), the excess shall be carried over at 50 percent.

SEC. 16. Section 18162 of the Revenue and Taxation Code is repealed.

SEC. 17. Section 18172 of the Revenue and Taxation Code is amended to read:

18172. (a) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of Section 18045), if—

(1) The basis of such property in the hands of such person is determined under Section 18044, and

(2) Such property is sold or otherwise disposed of by such person within five years after the decedent's death, then such person shall be considered to have held such property for more than one year but not more than five years.

(b) This section shall apply with respect to decedent's dying after December 31, 1970.

SEC. 18. Section 18181 of the Revenue and Taxation Code is amended to read:

18181. (a) If, during the taxable year, the recognized gains upon sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversion (as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat

or imminence thereof) of property used in the trade or business and capital assets into other property or money, exceed the recognized losses from the sales, exchanges, and conversions, such gains and losses shall be considered as gains and losses from sales or exchanges of capital assets. If such gains do not exceed such losses, such gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets.

(b) In determining, for purposes of this section, whether gains exceed losses, the gains described therein shall be included only if and to the extent taken into account in computing gross income and the losses described therein shall be included only if and to the extent taken into account in computing taxable income, except that subdivision (a) of Section 18152 and Section 18162.5 shall not apply.

(c) For purposes of this section, losses (including losses not compensated for by insurance or otherwise) upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of (1) property used in the trade or business or (2) capital assets shall be considered losses from a compulsory or involuntary conversion.

In the case of any involuntary conversion (subject to the provisions of this section but for this sentence) arising from fire, storm, shipwreck, or other casualty, or from theft, of any property used in the trade or business or of any capital asset, this section shall not apply to such conversion (whether resulting in gain or loss) if during the taxable year the recognized losses from such conversions exceed the recognized gains from such conversions.

SEC. 19. Section 18182 of the Revenue and Taxation Code is amended to read:

18182. (a) For the purposes of this section and Section 18181, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Sections 17208 to 17211.7, inclusive, and real property used in the trade or business, which is not:

(1) Property of a kind which would properly be includable in the inventory of the taxpayer if on hand at the close of the taxable year,

(2) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or

(3) A copyright, a literary, musical or artistic composition, a letter or memorandum, or similar property, held by a taxpayer described in subdivision (c) of Section 18161.

(b) Such term also includes timber with respect to which Sections 17711 and 17712 are applicable. Such term also includes cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 24 months or more from the date of acquisition, and other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him for 12 months or more from the date of acquisition. It does not include poultry.

(c) In the case of an unharvested crop on land used in the trade

or business and held for more than one year, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in Section 18181) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

SEC. 20. Section 18183 of the Revenue and Taxation Code is amended to read:

18183. For the purpose of this part, in the case of bonds, debentures, notes, or certificates or other evidences of indebtedness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or by any government or political subdivision thereof—

(a) Amounts received by the holder on retirement of such bonds or other evidences of indebtedness shall be considered as amounts received in exchange therefor (except that in the case of bonds or other evidences of indebtedness issued before January 1, 1955, this subdivision shall apply only to those issued with interest coupons or in registered form, or to those in such form on December 31, 1954).

(b) (1) Except as provided in paragraph (3), on the sale or exchange of bonds or other evidences of indebtedness issued by a corporation after May 27, 1969 held by the taxpayer more than one year, any gain realized shall (except as provided in the following sentence) be considered gain from the sale or exchange of a capital asset. If at the time of original issue there was an intention to call the bond or other evidence of indebtedness before maturity, any gain realized on the sale or exchange thereof which does not exceed an amount equal to the original issue discount (as defined in Section 18184) reduced by the portion of original issue discount previously includable in the gross income of any holder (as provided in paragraph (2) of subdivision (c)) shall be considered as gain from the sale or exchange of property which is not a capital asset.

(2) Except as provided in paragraph (3), on the sale or exchange of bonds or other evidences of indebtedness issued by a government or political subdivision thereof after December 31, 1954, or by a corporation after December 31, 1954, and on or before May 27, 1969, held by the taxpayer more than one year, any gain realized which does not exceed—

(A) An amount equal to the original issue discount (as defined in Section 18184), or

(B) If at the time of original issue there was no intention to call the bond or other evidence of indebtedness before maturity, an amount which bears the same ratio to the original issue discount (as defined in Section 18184) as the number of complete months that the bond or other evidence of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity,

shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset.

(3) This subdivision shall not apply to—

(A) Obligations the interest on which is not includable in gross income under Section 17137 (relating to certain governmental obligations); or

(B) Any holder who has purchased the bond or other evidence of indebtedness at a premium.

(4) In the case of obligations with respect to which the taxpayer has made an election provided by Section 17581 (relating to accounting rules for certain obligations issued at a discount), this section shall not require the inclusion of any amount previously includable in gross income.

(c) (1) There shall be included in the gross income of the holder of any bond or other evidence of indebtedness issued by a corporation after May 27, 1969, the ratable monthly portion of original issue discount multiplied by the number of complete months (plus any fractional part of a month determined in accordance with the last sentence of this paragraph) such holder held such bond or other evidence of indebtedness during the taxable year. Except as provided in paragraph (2), the ratable monthly portion of original issue discount shall equal the original issue discount (as defined in Section 18184) divided by the number of complete months from the date of original issue to the stated maturity date of such bond or other evidence of indebtedness. For purposes of this section, a complete month commences with the date of original issue and the corresponding day of each succeeding calendar month (or the last day of a calendar month in which there is no corresponding day); and, in any case where a bond or other evidence of indebtedness is acquired on any other day, the ratable monthly portion of original issue discount for the complete month in which such acquisition occurs shall be allocated between the transferor and the transferee in accordance with the number of days in such complete month each held the bond or other evidence of indebtedness.

(2) For purposes of this subdivision, the ratable monthly portion of original issue discount shall not include an amount, determined at the time of any purchase after the original issue of such bond or other evidence of indebtedness, equal to the excess of—

(A) The cost of such bond or other evidence of indebtedness incurred by such holder, over

(B) The issue price of such bond or other evidence of indebtedness increased by the portion of original discount previously includable in the gross income of any holder (computed without regard to this paragraph),

divided by the number of complete months (plus any fractional part of a month commencing with the date of purchase) from the date of such purchase to the stated maturity date of such bond or other evidence of indebtedness.

(3) For purposes of paragraph (2), the term “purchase” means any acquisition of a bond or other evidence of indebtedness, but only if the basis of the bond or other evidence of indebtedness is not

determined in whole or in part by reference to the adjusted basis of such bond or other evidence of indebtedness in the hands of the person from whom acquired, or under Section 18044 (relating to property acquired from a decedent).

(4) This subdivision shall not apply to any holder who has purchased the bond or other evidence of indebtedness at a premium.

(5) The basis of any bond or other evidence of indebtedness in the hands of the holder thereof shall be increased by the amount included in his gross income pursuant to paragraph (1).

SEC. 21. Section 18187 of the Revenue and Taxation Code is amended to read:

18187. If a gain or loss from a short sale is considered as gain or loss from the sale or exchange of a capital asset under Section 18186 and if on the date of such short sale substantially identical property has been held by the taxpayer for not more than one year (determined without regard to the effect, under subdivision (b) of this section, of such short sale on the holding period), or if substantially identical property is acquired by the taxpayer after such short sale and on or before the date of the closing thereof—

(a) Any gain on the closing of such short sale shall be considered as a gain on the sale or exchange of a capital asset held for not more than one year (notwithstanding the period of time any property used to close such short sale has been held); and

(b) The holding period of such substantially identical property shall be considered to begin (notwithstanding Sections 18163 through 18170, relating to the holding period of property) on the date of the closing of the short sale, or on the date of a sale, gift, or other disposition of such property, whichever date occurs first. This subdivision shall apply to such substantially identical property in the order of the dates of the acquisition of such property, but only to so much of such property as does not exceed the quantity sold short.

For purposes of this section, the acquisition of an option to sell property at a fixed price shall be considered as a short sale, and the exercise or failure to exercise such option shall be considered as a closing of such short sale.

SEC. 22. Section 18189 of the Revenue and Taxation Code is amended to read:

18189. If on the date of such short sale substantially identical property has been held by the taxpayer for more than one year, any loss on the closing of such short sale shall be considered as a loss on the sale or exchange of a capital asset held for more than one year (notwithstanding the period of time any property used to close such short sale has been held, and notwithstanding Section 18191).

SEC. 23. Section 18190 of the Revenue and Taxation Code is amended to read:

18190. (a) Subdivision (a) of Section 18187 or Section 18189 shall not apply to the gain or loss, respectively, on any quantity of property used to close such short sale which is in excess of the quantity of the

substantially identical property referred to in the applicable subdivision.

(b) For purposes of Sections 18187 and 18189—

(1) The term “property” includes only stocks and securities (including stocks and securities dealt with on a “when issued” basis), and commodity futures, which are capital assets in the hands of the taxpayer;

(2) In the case of futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, a commodity future requiring delivery in one calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month; and

(3) In the case of a short sale of property by an individual the term “taxpayer,” in the application of this section and Sections 18187 and 18189, shall be read as “taxpayer or his spouse”; but an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

(c) Where the taxpayer enters into two commodity futures transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, Sections 18187 and 18189 shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other.

(d) (1) In the case of a taxpayer who is a dealer in securities (within the meaning of Section 18196)—

(A) If, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than one year, and

(B) If such short sale is closed more than 20 days after the date on which it was made, subdivision (b) of Section 18187 shall apply in respect of the holding period of such substantially identical property.

(2) For purposes of paragraph (1)—

(A) The last sentence of Section 18187 applies; and

(B) The term “stock” means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

SEC. 24. Section 18191 of the Revenue and Taxation Code is amended to read:

18191. (a) Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property

to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

(b) For purposes of subdivision (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired.

(c) (1) In the case of gain on lapse of an option granted by the taxpayer as part of a straddle, the gain shall be deemed to be gain from the sale or exchange of a capital asset held for not more than one year on the day that the option expired.

(2) This subdivision shall not apply to any person who holds securities for sale to customers in the ordinary course of his trade or business.

(3) For purposes of this subdivision—

(A) The term “straddle” means a simultaneously granted combination of an option to buy, and an option to sell, the same quantity of a security at the same price during the same period of time.

(B) The term “security” has the meaning assigned to such term by subdivision (c) of Section 18196.

(d) This section shall not apply to—

(1) A privilege or option which constitutes property described in subdivision (a) of Section 18161;

(2) In the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

(3) A loss attributable to failure to exercise an option described in Section 18188; or

(4) Gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1959, if in the hands of the taxpayer such privilege or option is a capital asset.

SEC. 25. Section 18192 of the Revenue and Taxation Code is amended to read:

18192. A transfer (other than by gift, inheritance, or devise) of property consisting of all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights, by any holder shall be considered the sale or exchange of a capital asset, regardless of whether or not payments in consideration of such transfer are—

(a) Payable periodically over a period generally coterminous with the transferee's use of the patent; or

(b) Contingent on the productivity, use, or disposition of the property transferred.

SEC. 25.5. Section 18202 of the Revenue and Taxation Code is repealed.

SEC. 26. Section 18242 of the Revenue and Taxation Code is amended to read:

18242. (a) For purposes of this article, the term “averageable

income” means the amount by which taxable income for the computation year (reduced as provided in subdivision (b)) exceeds 133 $\frac{1}{3}$ percent of average base period income.

(b) The taxable income for the computation year shall be reduced by—

(1) The amount (if any) to which Section 17112.5 applies, and

(2) The amounts included in the income of a beneficiary of a trust under subdivision (a) of Section 17776.

(c) For purposes of this article—

(1) The term “average base period income” means one-fourth of the sum of the base period incomes for the base period.

(2) The base period income for any taxable year is the taxable income for such year—

(A) Decreased by the amounts included in the income of a beneficiary of a trust under subdivision (a) of Section 17776; and

(B) For taxable years beginning prior to January 1, 1967, increased by the amount of the deductions for personal exemption claimed for such year; and

(d) For purposes of this article—

(1) The term “computation year” means the taxable year for which the taxpayer chooses the benefits of this article.

(2) The term “base period” means the four taxable years immediately preceding the computation year.

(3) The term “base period year” means any of the four taxable years immediately preceding the computation year.

(4) The term “joint return” means the return of a husband and wife made under Section 18402.

SEC. 26.5. Section 18244 of the Revenue and Taxation Code is amended to read:

18244. (a) This article shall apply to the taxable year only if the taxpayer chooses to have the benefits of this article for such taxable year. Such choice may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this part for the taxable year.

(b) If the taxpayer chooses the benefits of this article for the taxable year, the following provisions shall not apply to him for such year:

(1) Section 17048 (relating to the optional tax table) and

(2) Subdivision (b) of Section 17112.7 (relating to limitation of tax in case of certain distributions with respect to contributions by self-employed individuals).

(c) (1) Paragraph (2) of this subdivision shall apply in the case of any individual who was married for any base period year or the computation year; except that such paragraphs shall not apply in respect of a base period year if—

(A) Such individual and his spouse make a joint return for the computation year, and

(B) Such individual was not married to any other spouse for such base period year.

(2) For purposes of this article, the base period income of an individual for any base period year shall not be less than 50 percent of the base period income which would result from combining his income and deductions for such year—

(A) With the income and deductions for such year of the individual who is his spouse for the computation year, or

(B) If greater, with the income and deductions for such year of the individual who was his spouse for such base period year.

(3) For purposes of this subdivision, Section 17173 shall apply in determining whether an individual is married for any taxable year.

(d) In the case of joint return, the three thousand dollars (\$3,000) figure contained in Section 18241 shall be applied to the aggregate averageable income.

(e) (1) Section 17112.5 (relating to penalties applicable to certain amounts received by owner-employees) shall be applied as if this article had not been enacted.

(2) Except as otherwise provided in this article, the order and manner in which items of income or limitations on tax shall be taken into account in computing the tax imposed by this part on the income of any eligible individual to whom Section 18241 applies for any computation year shall be determined under regulations prescribed by the Franchise Tax Board.

(f) In the case of any computation year or base period year which is a short taxable year, this article shall be applied in the manner provided in regulations prescribed by the Franchise Tax Board.

SEC. 27. This act shall apply to taxable years beginning after December 31, 1971.

SEC. 28. It is the intent of the Legislature, if this bill and Senate Bill No. 1151 are both chaptered and amend Section 17072 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 1151, that the amendments to Section 17072 proposed by both bills be given effect and incorporated in Section 17072 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 1151 are both chaptered, both amend Section 17072, and Senate Bill No. 1151 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 29. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1151

An act to amend Section 4702 of the Labor Code, relating to workmen's compensation.

[Approved by Governor November 27, 1972. Filed with Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4702 of the Labor Code is amended to read:
4702. Except as provided in the next paragraph, the death benefit in cases of total dependency, when added to all accrued disability indemnity, shall be the sum of twenty-five thousand dollars (\$25,000) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be twenty-eight thousand dollars (\$28,000) and except as otherwise provided in Sections 4553 and 4554. In cases of partial dependency the death benefit shall be a sum equal to four times the amount annually devoted to the support of the dependents by the employee, not to exceed the sum of twenty-five thousand dollars (\$25,000). The death benefit in all cases shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the appeals board otherwise orders.

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1971 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

CHAPTER 1152

An act to add Section 39052.3 to the Health and Safety Code, relating to petroleum advertising.

[Approved by Governor November 27, 1972. Filed with
Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 39052.3 is added to the Health and Safety Code, to read:

39052.3. The board may request, from any person, firm, corporation or association which advertises or causes to be advertised in any manner a claim that a fuel or fuel additive reduces motor vehicle exhaust emissions, a report detailing the data which supports the advertiser's claims of emission reduction by that fuel or fuel additive.

The board may conduct, and may request the Department of

Consumer Affairs to assist the board in, such further investigation as may appear warranted under the circumstances.

If the board, or the board and the Department of Consumer Affairs if the latter has assisted in the investigation, determines that the fuel or fuel additive is not substantially as effective as it is claimed to be in the advertisement or advertisements for it, then the board shall report the findings to the Attorney General for whatever action under the Business and Professions Code or other law he finds appropriate.

SEC. 2. The sum of twenty-one thousand dollars (\$21,000) is appropriated from the Motor Vehicle Account in the State Transportation Fund for expenditure by the State Air Resources Board during the 1972-1973 fiscal year for the purpose of carrying out the provisions of this act.

CHAPTER 1153

An act to add Section 39009 to, to repeal Division 16.7 (commencing with Section 39000) of, and to add Division 16.8 (commencing with Section 39100) to, the Vehicle Code, relating to the licensing of bicycles, and making an appropriation therefor.

[Approved by Governor November 27, 1972. Filed with
Secretary of State November 27, 1972.]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to provide for a statewide system for registering and licensing bicycles to begin operation on July 1, 1975. The system is to be administered by the Department of Motor Vehicles. The department shall make use of all available studies regarding the registration and licensing of bicycles in developing the rules and regulations required by this act.

SEC. 2. Section 39009 is added to the Vehicle Code, to read:

39009. This division shall be operative until June 30, 1975, and as of that date is repealed.

SEC. 3. Division 16.8 (commencing with Section 39100) is added to the Vehicle Code, to read:

DIVISION 16.8. LICENSING OF BICYCLES

39100. For the purposes of this division:

(a) "Bicycle" means any device upon which a person may ride; which is propelled by human power through a system of belts, chains, or gears; which has wheels 20 inches or more in diameter; and which has three or more forward speeds.

(b) "Bicycle dealer" means any person, firm, partnership, or

corporation which is engaged, wholly or partly, in the business of selling bicycles, or buying or taking in trade bicycles for the purpose of resale, selling, or offering for sale, or otherwise dealing in bicycles, whether or not such bicycles are owned by such person or entity. The term also includes agents or employees of such person or entity.

39101. The department shall maintain records relating to all licensed bicycles in the state in an automated system.

Such records shall be available to all authorized law enforcement agencies through the Automated Management Information System.

39102. The department shall adopt rules and regulations for the implementation and administration of this division.

Such rules and regulations shall be adopted after consultation with local law enforcement agencies, bicycle manufacturers, bicycle dealers, and bicyclists' organizations.

39103. Each bicycle dealer shall register and license each bicycle sold by the dealer in accordance with the provisions of this division and any rules and regulations adopted thereunder.

39104. Bicycle licenses and registration forms shall be supplied by the department to each bicycle dealer.

The license shall be affixed to the bicycle and the registration form shall be completed by the dealer at the time of sale.

39105. The director shall prescribe the form and content of the license.

39106. The registration form shall contain the following:

- (a) The name and address of the registered owner.
- (b) The make, type, and model of the bicycle.
- (c) The serial number and license number of the bicycle.
- (d) The date of sale.
- (e) A place for the name and address of a new registered owner.
- (f) Such other data as may be required by the department.

39107. One copy of the registration form as to each bicycle sold by a bicycle dealer shall be given to each of the following:

- (a) The department.
- (b) The law enforcement agency in whose jurisdiction the owner resides.
- (c) The owner.
- (d) The dealer, who shall retain the copy for a period of three months from the date of sale.

39108. All records of a bicycle dealer pertaining to the sale, registration, and licensing of bicycles shall be open to inspection by any member of the department or any peace officer at any time during the regular business hours of the dealer.

39109. Licenses are valid for a period of three years from the date of issue.

39110. A fee of three dollars (\$3) shall be charged by the bicycle dealer for the registration and licensing of a bicycle. Fifty cents (\$0.50) shall be retained by the bicycle dealer for his services; and two dollars and fifty cents (\$2.50) shall be transmitted to the department.

39111. No new bicycle shall be sold or licensed within this state unless such bicycle has a unique serial number permanently stamped or cast into the head of its frame, pursuant to the rules and regulations of the department.

39112. After July 1, 1976, no person shall ride, move, haul, or leave standing, or allow to be ridden, moved, hauled, or left standing any bicycle on any road, street, highway or other public property unless such bicycle has been licensed in accordance with this division.

This section does not apply to bicycle manufacturers or bicycle dealers transporting bicycles in the normal course of business.

39113. The owner of a bicycle may have an expired bicycle license renewed by any bicycle dealer upon the presentation of the bicycle, the last issued registration form or its copy, and the fee prescribed by Section 39009.

No dealer is required to renew a license pursuant to this section.

39114. Whenever the owner of a registered bicycle changes his address, he shall notify the department in writing of the old and new address within 10 days.

39115. Whenever the owner of a registered bicycle sells, trades, or gives the bicycle to another person, he shall notify the department in writing of that fact within 10 days. The department shall adopt rules and regulations relating to the recordation of such transfers.

39116. Any local law enforcement agency or fire department may perform the functions of a bicycle dealer with respect to the registration and licensing of bicycles.

39117. Any owner of a bicycle as defined in Section 21200 which is not subject to registration and licensing under this division may have such a bicycle licensed pursuant to this division if he chooses to do so.

39118. Any violation of this division is a misdemeanor.

SEC. 4. Division 16.8 (commencing with Section 39100) as added to the Vehicle Code by Section 3 of this act shall become operative on July 1, 1975. The Department of Motor Vehicles may adopt rules and regulations, and take other necessary action, for the expeditious implementation of the division prior to that date.

SEC. 5. Section 2 of this act shall become operative only if Senate Bill No. 147 is enacted at the 1972 Regular Session of the Legislature and adds Division 16.7 (commencing with Section 39000) to the Vehicle Code.

CHAPTER 1154

An act to amend Sections 21100, 21102, 21104, 21105, 21150, and 21151 of, to add Sections 21108, 21152, 21153, and 21154 to, to add Chapter 2.5 (commencing with Section 21060), Chapter 2.6 (commencing with Section 21080), Chapter 5 (commencing with Section 21160), and Chapter 6 (commencing with Section 21165) to Division 13 of,

to repeal Sections 21103 and 21107 of, and to repeal Sections 21152 and 21153, as added by Chapter 971 of the Statutes of 1972, of, the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 5, 1972. Filed with Secretary of State December 5, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 21060) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 2.5. DEFINITIONS

21060. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

21060.5. "Environment" means the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.

21061. "Environmental impact report" means a detailed statement setting forth the matters specified in Section 21100. It includes any comments on an environmental impact report which are obtained pursuant to Section 21104 or 21153, or which are required to be obtained pursuant to this division.

An environmental impact report is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which any adverse effects of such a project might be minimized; and to suggest alternatives to such a project.

21062. "Local agency" means any public agency other than a state agency, board, or commission. For purposes of this division a redevelopment agency is a local agency, and not a state agency, board or commission.

21063. "Public agency" includes any state agency, board, or commission, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

21065. "Project" means the following:

- (a) Activities directly undertaken by any public agency.
- (b) Activities undertaken by a person which are supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) Activities involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more

public agencies.

21066. "Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the state, and any of the agencies and political subdivisions of such entities.

21067. "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

SEC. 2.3. Chapter 2.6 (commencing with Section 21080) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 2.6. GENERAL

21080. (a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps (except where such a project is exempt from the preparation of an environmental impact report pursuant to Section 21166).

(b) This division shall not apply to ministerial projects proposed to be carried out or approved by public agencies.

21082. All public agencies shall adopt by ordinance, resolution, rule or regulation, objectives, criteria and procedures for the evaluation of projects and the preparation of environmental impact reports pursuant to this division. The objectives, criteria and procedures shall be consistent with the provisions of this division and with the guidelines adopted by the Secretary of the Resources Agency pursuant to Section 21083. Such objectives, criteria and procedures shall be adopted by each public agency no later than 60 days after the Secretary of the Resources Agency has adopted guidelines pursuant to Section 21083.

21083. The Office of Planning and Research shall prepare and develop proposed guidelines for the implementation of this division by public agencies. Such guidelines shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports in a manner consistent with this division.

Such guidelines shall specifically include criteria for public agencies to follow in determining whether or not a proposed project may have a "significant effect on the environment". Such criteria shall require a finding of "significant effect on the environment" if any of the following conditions exist:

(a) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals;

(b) The possible effects of a project are individually limited but cumulatively considerable;

(c) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Such guidelines shall also include procedures for determining the lead agency pursuant to the provisions of Section 21165.

The Office of Planning and Research shall develop and prepare such proposed guidelines as soon as possible and shall transmit them immediately to the Secretary of the Resources Agency. No later than 60 days after the effective date of this section the Secretary of the Resources Agency shall certify and adopt such guidelines pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2, of the Government Code, which shall become effective upon the filing thereof, provided that such guidelines shall not be adopted without compliance with Sections 11423, 11424 and 11425 of the Government Code.

21083.5. The guidelines prepared and adopted pursuant to Section 21083 may provide that when an environmental impact statement has been, or will be, prepared for the same project pursuant to the requirements of the National Environmental Policy Act of 1969 and implementing regulations thereto, all or any part of such statement may be submitted in lieu of all or any part of an environmental impact report required by this division, provided that such statement, or the part thereof so used, shall comply with the requirements of this division and the guidelines adopted pursuant thereto.

21084. The guidelines prepared and adopted pursuant to Section 21083 shall include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from the provisions of this division. In adopting the guidelines, the Secretary of the Resources Agency shall make a finding that the list or classification of projects referred to in this section do not have a significant effect on the environment.

21085. All classes of projects designated pursuant to Section 21084, together with emergency repairs to public service facilities necessary to maintain service, shall be exempt from the provisions of this division.

21086. A public agency may, at any time, request the addition or deletion of a class of projects, to the list designated pursuant to Section 21084. Such a request shall be made in writing to the Office of Planning and Research and shall include information supporting the public agency's position that such class of projects does, or does not, have a significant effect on the environment.

The Office of Planning and Research shall review each such request and, as soon as possible, shall submit its recommendation to the Secretary of the Resources Agency. Following the receipt of such recommendation, the Secretary of the Resources Agency may add or delete the class of projects to the list of classes of projects designated pursuant to Section 21084 which are exempt from the requirements of this division.

The addition or deletion of a class of projects, as provided in this

section, to the list specified in Section 21084 shall constitute an amendment to the guidelines adopted pursuant to Section 21083 and shall be adopted in the manner prescribed in Sections 21083, 21084, and 21087.

21087. The Office of Planning and Research shall periodically review the guidelines adopted pursuant to Section 21083 and shall recommend proposed changes or amendments to the Secretary of the Resources Agency. Changes or amendments to the guidelines shall be adopted by the Secretary of the Resources Agency in the same manner as provided in Section 21083 for the adoption of the original guidelines.

21088. The Secretary of the Resources Agency shall provide for the timely distribution to all public agencies of the guidelines and any amendments or changes thereto. In addition, the Secretary of the Resources Agency may provide for publication of a bulletin to provide public notice of the guidelines, or any amendments or changes thereto, and of the completion of environmental impact reports prepared in compliance with this division.

21089. A public agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this division in order to recover the estimated costs incurred by the public agency in preparing an environmental impact report for such project.

21090. For all purposes of this division all public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan shall be deemed a single project.

SEC. 2.5. Section 21100 of the Public Resources Code is amended to read:

21100. All state agencies, boards, and commissions shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they propose to carry out or approve which may have a significant effect on the environment. Such a report shall include a detailed statement setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.
- (g) The growth-inducing impact of the proposed action.

SEC. 3. Section 21102 of the Public Resources Code is amended to read:

21102. No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes

expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted or funded, which may have a significant effect on the environment unless such request or authorization is accompanied by an environmental impact report.

Feasibility and planning studies exempted by this section from the preparation of an environmental impact report shall nevertheless include consideration of environmental factors.

SEC. 4. Section 21103 of the Public Resources Code is repealed.

SEC. 6. Section 21104 of the Public Resources Code is amended to read:

21104. Prior to completing an environmental impact report, the responsible state agency shall consult with, and obtain comments from, any public agency which has jurisdiction by law with respect to the project, and may consult with any person who has special expertise with respect to any environmental impact involved.

SEC. 7. Section 21105 of the Public Resources Code is amended to read:

21105. The responsible state agency shall include the environmental impact report as a part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature. It shall also be available for inspection by the general public who may secure a copy thereof by paying for the actual cost of such a copy. It shall be filed by the responsible state agency with the appropriate local planning agency of any city, county, or city and county which will be affected by the project.

SEC. 8. Section 21107 of the Public Resources Code is repealed.

SEC. 9. Section 21108 is added to the Public Resources Code, to read:

21108. Whenever a state agency, board or commission approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the Secretary of the Resources Agency. Such notice shall indicate the determination of the agency, board or commission whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

SEC. 10. Section 21150 of the Public Resources Code is amended to read:

21150. State agencies, boards, and commissions, responsible for allocating state or federal funds on a project-by-project basis to local agencies for any project which may have a significant effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds other than funds solely for projects involving only feasibility or planning studies for

possible future actions which the agency, board, or commission has not approved, adopted, or funded.

SEC. 11. Section 2115~~1~~ of the Public Resources Code is amended to read:

21151. All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.

SEC. 11.5. Section 21152, as added to the Public Resources Code by Chapter 971 of the Statutes of 1972, is repealed.

SEC. 12. Section 2115~~2~~ is added to the Public Resources Code, to read:

21152. Whenever a local agency approves or determines to carry out a project which is subject to the provisions of this division, it shall file notice of such approval or such determination with the county clerk of the county, or counties, in which the project will be located. Such notice shall indicate the determination of the local agency whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to the provisions of this division.

SEC. 12.5. Section 21153, as added to the Public Resources Code by Chapter 971 of the Statutes of 1972, is repealed.

SEC. 13. Section 21153 is added to the Public Resources Code, to read:

21153. Prior to completing an environmental impact report, every local agency shall consult with, and obtain comments from, any public agency which has jurisdiction by law with respect to the project, and may consult with any person who has special expertise with respect to any environmental impact involved.

SEC. 14. Section 2115~~4~~ is added to the Public Resources Code, to read:

21154. Whenever any state agency, board, or commission issues an order which requires a local agency to carry out a project which may have a significant effect on the environment, any environmental impact report which the local agency may prepare shall be limited to consideration of those factors and alternatives which will not conflict with such order.

SEC. 15. Chapter 5 (commencing with Section 21160) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 5. SUBMISSION OF INFORMATION

21160. Whenever any person applies to any public agency for a lease, permit, license, certificate, or other entitlement for use, the public agency may require that person to submit data and information which may be necessary to enable the public agency to

determine whether the proposed project may have a significant effect on the environment or to prepare an environmental impact report.

If any or all of the information so submitted is a "trade secret" as defined in Section 6254.7 of the Government Code by those submitting that information, it shall not be included in the impact report or otherwise disclosed by any public agency. This section shall not be construed to prohibit the exchange of properly designated trade secrets between public agencies who have lawful jurisdiction over the preparation of the impact report.

21161. Whenever a public agency has completed an environmental impact report, it shall cause a notice of completion of such report to be filed with the Secretary of the Resources Agency. The notice of completion shall briefly identify the project and shall indicate that an environmental impact report has been prepared. Failure to file the notice required by this section shall not affect the validity of a project.

SEC. 16. Chapter 6 (commencing with Section 21165) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 6. LIMITATIONS

21165. When a project is to be carried out or approved by two or more public agencies, the determination of whether the project may have a significant effect on the environment shall be made by the lead agency and such agency shall prepare, or cause to be prepared by contract, the environmental impact report for the project, if such a report is required by this division. In the event that a dispute arises as to which is the lead agency, any public agency may submit the question to the Office of Planning and Research, and the Office of Planning and Research shall designate the lead agency, giving due consideration to the capacity of such agency to adequately fulfill the requirements of this division.

21166. When an environmental impact report has been prepared for a project pursuant to this division, no subsequent environmental impact report shall be required unless either of the following occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

21167. Any action or proceeding to attack, review, set aside, void, or annul the following acts or decisions of a public agency on the grounds of noncompliance with this division shall be commenced as follows:

(a) An action or proceeding alleging that a public agency is carrying out or has approved a project which may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment shall be

commenced within 180 days of the public agency's decision to carry out or approve the project, or, if a project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

(b) Any action or proceeding alleging that a public agency has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days after the filing of the notice required by Section 21108 or 21152.

(c) Any action or proceeding alleging that an environmental impact report does not comply with the provisions of this division shall be commenced within 30 days after the filing of the notice required by Sections 21108 or 21152.

21167.5. Proof of prior service by mail upon the public agency carrying out or approving the project of a written notice of the commencement of any action or proceeding described in Section 21167 identifying the project shall be filed concurrently with the initial pleading in such action or proceeding.

21168. Any action or proceeding to attack, review, set aside, void or annul a determination or decision of a public agency, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency, on the grounds of noncompliance with the provisions of this division shall be in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure.

In any such action, the court shall not exercise its independent judgment on the evidence but shall only determine whether the act or decision is supported by substantial evidence in the light of the whole record.

21168.5. In any action or proceeding, other than an action or proceeding under Section 21168, to attack, review, set aside, void or annul a determination or decision of a public agency on the grounds of noncompliance with this division, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

21168.6. In any action or proceeding under Sections 21168 or 21168.5 against the Public Utilities Commission the writ of mandate shall lie only from the Supreme Court to such commission.

21168.7. Sections 21168 and 21168.5 are declaratory of existing law with respect to the judicial review of determinations or decisions of public agencies made pursuant to this division.

21169. Any project defined in subdivision (c) of Section 21065 undertaken, carried out or approved on or before the effective date of this section and the issuance by any public agency of any lease, permit, license, certificate or other entitlement for use executed or issued on or before the effective date of this section notwithstanding a failure to comply with this division, if otherwise legal and valid, is

hereby confirmed, validated and declared legally effective. Any project undertaken by a person which was supported in whole or part through contracts with one or more public agencies on or before the effective date of this section, notwithstanding a failure to comply with this division, if otherwise legal and valid, is hereby confirmed, validated and declared legally effective.

21170. (a) Section 21169 shall not operate to confirm, validate or give legal effect to any project the legality of which was being contested in a judicial proceeding in which proceeding the pleadings, prior to the effective date of this section, alleged facts constituting a cause of action for, or raised the issue of, a violation of this division and which was pending and undetermined on the effective date of this section; provided, however, that Section 21169 shall operate to confirm, validate or give legal effect to any project to which this subdivision applies if, prior to the commencement of judicial proceedings and in good faith and in reliance upon the issuance by a public agency of any lease, permit, license, certificate or other entitlement for use, substantial construction has been performed and substantial liabilities for construction and necessary materials have been incurred.

(b) Section 21169 shall not operate to confirm, validate or give legal effect to any project which had been determined in any judicial proceeding, on or before the effective date of this section to be illegal, void or ineffective because of noncompliance with this division.

21171. This division, except for Section 21169, shall not apply to the issuance of any lease, permit, license, certificate or other entitlement for use for any project defined in subdivision (c) of Section 21065 or to any project undertaken by a person which is supported in whole or in part through contracts with one or more public agencies until the 121st day after the effective date of this section. This section shall not apply to any project to which Section 21170 is applicable or to any successor project which is the same as, or substantially identical to, such a project.

This section shall not prohibit or prevent a public agency, prior to the 121st day after the effective date of this section, from considering environmental factors in connection with the approval or disapproval of a project and from imposing reasonable fees in connection therewith.

21172. This division shall not apply to any project undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1, Title 2 of the Government Code.

21172.5. Until the 121st day after the effective date of this section, any objectives, criteria and procedures adopted by public agencies in compliance with this division shall govern the evaluation of

projects defined in subdivisions (a) and (b) of Section 21065 and the preparation of environmental impact reports on such projects when required by this division.

Any environmental impact report which has been completed or on which substantial work has been performed on or before the 121st day after the effective date of this section, if otherwise legally sufficient, shall, when completed, be deemed to be in compliance with this division and no further environmental impact report shall be required except as provided in Section 21166.

21173. If any provision of this division or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this division which can be given effect without the invalid provision or application thereof, and to this end the provisions of this division are severable.

21174. No provision of this division is a limitation or restriction on the power or authority of any public agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer including, but not limited to, the powers and authority granted to the California Coastal Zone Conservation Commission or any regional coastal zone conservation commission pursuant to Division 18 (commencing with Section 27000) of the Public Resources Code. To the extent of any inconsistency or conflict between the provisions of the California Coastal Zone Conservation Act of 1972, Division 18 (commencing with Section 27000) of the Public Resources Code, and the provisions of this division, the provisions of Division 18 (commencing with Section 27000) of the Public Resources Code shall control.

SEC. 17. The Legislature finds and declares that Section 1 of this act is intended to clarify existing provisions of the Environmental Quality Act of 1970 and thereby to facilitate and to promote uniform administration of the Environmental Quality Act of 1970 throughout the state. It is therefore the intent of the Legislature in enacting Section 1 of this act only to declare and to clarify existing law.

SEC. 18. Sections 11.5 and 12.5 of this act shall become operative at the same time as Chapter 971 of the Statutes of 1972 becomes effective.

SEC. 19. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are: In order to provide a clear definition of the responsibilities of governmental agencies under the Environmental Quality Act of 1970, and in order to lend certainty to the status of various projects which have been, or are about to be, undertaken so as to permit the orderly processing and evaluation of such projects at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 1155

An act making an appropriation in payment of claims against the state, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The sum of seventy thousand eight hundred forty-five dollars (\$70,845) plus interest on the amount of sixty-four thousand eight hundred seventy dollars (\$64,870) at the rate of 7 percent per annum from December 1, 1969, until paid is hereby appropriated from the General Fund to be disbursed according to the following schedule:

(a) Sixty-four thousand eight hundred seventy dollars (\$64,870) plus interest at the rate of 7 percent per annum from December 1, 1969, until paid to the Trustees of the California State University and Colleges to pay the claim of Argo Construction Company, Inc., against the state.

(b) Five thousand nine hundred seventy-five dollars (\$5,975) to the Board of Control to pay the claim of James R. Arata against the state.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to minimize the interest accruing on the claim it is necessary for this act to take effect immediately.

CHAPTER 1156

An act to amend Sections 30102 and 30356 of, to add Section 30100.1 to, and to repeal Section 30001 of, the Streets and Highways Code, relating to toll bridges and ferries, and making an appropriation therefor.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 30001 of the Streets and Highways Code is repealed.

SEC. 2. Section 30100.1 is added to the Streets and Highways Code, to read:

30100.1. Notwithstanding any other provision of law, the

authority may include, in any issue of revenue bonds, funds sufficient to finance the establishment of a ferry system as authorized by Section 30356, including the purchase or construction of ferry boats, wharves, docks, ferry slips, and other facilities necessary to the operation and maintenance of a ferry system. Upon determining that it is feasible to do so, the authority shall take all steps necessary to finance the establishment of ferry systems. Revenues derived from the operation of any ferry system shall be pledged as security for the payment of the bonds issued to finance the establishment of the system.

SEC. 3. Section 30102 of the Streets and Highways Code is amended to read:

30102. The authority, in establishing toll charges, shall give consideration to the cost of operating and maintaining any particular toll bridge or other toll highway crossing, including the cost of insurance, the cost of operating and maintaining any ferry established and operated pursuant to Section 30356, and the amount required annually to meet the redemption of bonds and interest payments thereon. At all times the tolls and charges shall be fixed at rates to yield annual revenue equal to the annual operating and maintenance expenses, including insurance costs, the cost of operating and maintaining any ferry established and operated pursuant to Section 30356, and all redemption payments and interest charges of the bonds issued for any particular toll bridge or other toll highway as they fall due.

SEC. 4. Section 30356 of the Streets and Highways Code is amended to read:

30356. The limitations and provisions of this article do not apply to any ferry authorized or permitted by the authority to be operated and maintained across the waters of the bay between the City and County of San Francisco and the City of Alameda or to any ferry across San Diego Bay or across San Francisco Bay in the general vicinity of the San Francisco-Oakland Bay Bridge established by the authority and operated and maintained by the authority or the department; provided, however, that, before any ferry may be established by the authority across the waters of San Francisco Bay, the authority shall first obtain the approval of the Metropolitan Transportation Commission. The provisions and limitations of this article do not prevent the operation of any ferry or other similar means of crossing authorized or permitted by the authority during such period of time as any such toll bridge or other highway crossing is obstructed to traffic because of accident thereto or repair thereof, or is for any reason unable to fully accommodate traffic.

CHAPTER 1157

An act to add Section 1481.3 to the Health and Safety Code, relating to Emergency Medical Services.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1481.3 is added to the Health and Safety Code, to read:

1481.3. Any county conducting a pilot program under this article may provide courses of instruction and training leading to certification as a mobile intensive care paramedic. Where such training is provided to persons other than county employees, a fee shall be charged sufficient to defray the cost of such instruction or training.

CHAPTER 1158

An act to amend Section 8101 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall, except as otherwise provided in this part, be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than operating motor vehicles upon the public highways of the state.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

(e) Any consulate officer or consulate employee of a foreign government who is not engaged in any private occupation for gain within the State of California, whose government has entered into a treaty with the United States providing for the exemption of such representative from national, state, and municipal taxes, or whose government does grant such an exemption to such representatives of the United States, who uses the motor vehicle fuel in a vehicle registered exempt from fees pursuant to Section 9100 of the Vehicle Code.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1159

An act relating to housing and community development.

[Approved by Governor December 7, 1972. Filed with
Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Housing and Community Development shall report to the Legislature not later than the 90th calendar day of the 1973 Regular Session with respect to any action or actions it has taken to encourage the development of "new towns" pursuant to the provisions of Public Law 91-609 (84 Stat. 1770).

CHAPTER 1160

An act to add Sections 6503.5 and 6503.7 to, and to repeal and add Section 6546.1 of, the Government Code, relating to joint exercise of powers.

[Approved by Governor December 7, 1972. Filed with
Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6503.5 is added to the Government Code, to read:

6503.5. Whenever a joint powers agreement provides for the creation of an agency or entity which is separate from the parties to the agreement and is responsible for the administration of the

agreement, such agency or entity shall, within 30 days after the effective date of the agreement or amendment thereto, cause a notice of the agreement or amendment to be prepared and filed with the office of the Secretary of State. Such notice shall contain:

(a) The name of each public agency which is a party to the agreement.

(b) The date upon which the agreement became effective.

(c) A statement of the purpose of the agreement or the power to be exercised.

(d) A description of the amendment or amendments made to the agreement, if any.

Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which agreement or amendment becomes effective on or after the effective date of this section, which fails to file the notice required by this section within 30 days after the effective date of the agreement or amendment, shall not thereafter, and until such filings are completed, issue any bonds or incur indebtedness of any kind.

SEC. 2. Section 6503.7 is added to the Government Code, to read:

6503.7. Within 90 days after the effective date of this section, any separate agency or entity constituted pursuant to a joint powers agreement entered into prior to the effective date of this section and responsible for the administration of such agreement, shall cause a notice of the agreement to be prepared and filed with the office of the Secretary of State. Such notice shall contain all the information required for notice given pursuant to Section 6503.5.

Notwithstanding any other provision of this chapter, any joint powers agency which is required and fails to file notice pursuant to this section within 90 days after the effective date of this section, shall not, thereafter, and until such filings are completed, issue any bonds, incur any debts, liabilities or obligations of any kind, or in any other way exercise any of its powers.

For purposes of recovering the costs incurred in filing and processing the notices required to be filed pursuant to this section and Section 6503.5, the Secretary of State may establish a schedule of fees. Such fees shall be collected by the office of the Secretary of State at the time the notices are filed and shall not exceed the reasonably anticipated cost to the Secretary of State of performing the work to which the fees relate.

SEC. 3. Section 6546.1 of the Government Code is repealed.

SEC. 4. Section 6546.1 is added to the Government Code, to read:

6546.1. In addition to other powers, any agency, commission, or board provided for by joint powers agreement pursuant to Article 1 (commencing with Section 6500) and created in a county of the third class as determined by Section 28020 may, by ordinance, authorize the issuance of revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project constituting a public airport and all facilities and improvements relating thereto.

The provisions of this section shall be effective until December 31, 1974, and after that date this section shall have no force or effect.

CHAPTER 1161

An act to amend Section 18655.1 of the Financial Code, relating to industrial loan companies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 7, 1972. Filed with
Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18655.1 of the Financial Code is amended to read:

18655.1. As an alternative to the charges authorized by Section 18655, a company may contract for and receive charges at a rate not exceeding 1½ percent per month on the unpaid principal balance.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The authority granted to industrial loan companies under Section 18655.1 of the Financial Code expires on January 1, 1972. Since the effective date for statutes of the 1972 Regular Session of the Legislature will occur after this date and the Legislature has decided that such authority should be continued, it is necessary that this act take effect immediately to preserve the continuous operation of such authority.

CHAPTER 1162

An act to add a chapter heading to Title 4 (commencing with Section 392) of, and to add Chapter 2 (commencing with Section 404) to Title 4 of, Part 2 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor December 7, 1972. Filed with
Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. A chapter heading is added to Title 4 (commencing with Section 392) of Part 2 of the Code of Civil Procedure, immediately preceding Section 392, to read:

CHAPTER 1. GENERALLY

SEC. 2. Chapter 2 (commencing with Section 404) is added to Title 4 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 2. COORDINATION

404. When civil actions sharing a common question of fact or law are pending in different courts, the presiding or sole judge of any such court, on his own motion or the motion of any party supported by an affidavit stating facts showing that the actions meet the standards specified in Section 404.1, or all the parties plaintiff or defendant in any such action, supported by an affidavit stating facts showing that the actions meet the standards specified in Section 404.1, may request the Chairman of the Judicial Council to assign a judge to determine whether coordination of the actions is appropriate and a judge shall be so assigned to make that determination.

404.1. Coordination of civil actions sharing a common question of fact or law is appropriate if one judge hearing all of the actions for all purposes in a selected site or sites will promote the ends of justice taking into account whether the common question of fact or law is predominating and significant to the litigation; the convenience of parties, witnesses, and counsel; the relative development of the actions and the work product of counsel; the efficient utilization of judicial facilities and manpower; the calendar of the courts; the disadvantages of duplicative and inconsistent rulings, orders, or judgments; and, the likelihood of settlement of the actions without further litigation should coordination be denied.

404.2. If he determines that coordination is appropriate, the assigned judge shall select the reviewing court having appellate jurisdiction if the actions to be coordinated are within the jurisdiction of more than one reviewing court. The assigned judge shall select the reviewing court which will promote the ends of justice as determined under the standards specified in Section 404.1.

404.3. If the assigned judge determines that coordination is appropriate, he shall order the actions coordinated, report that fact to the Chairman of the Judicial Council, and the Chairman of the Judicial Council shall assign a judge to hear and determine the actions in the site or sites the assigned judge finds appropriate.

404.4. The presiding or sole judge of any court in which there is pending an action sharing a common question of fact or law with coordinated actions, on his own motion or the motion of any party supported by an affidavit stating facts showing that the action meets the standards specified in Section 404.1, or all the parties plaintiff or defendant in any such action, supported by an affidavit stating facts showing that the action meets the standards specified in Section 404.1, may request the judge assigned to hear the coordinated actions for an order coordinating such action. Coordination of such action

shall be determined under the standards specified in Section 404.1.

404.5. Pending any determination of whether coordination is appropriate, the judge making that determination may stay any action being considered for, or affecting an action being considered for, coordination.

404.6. Within 10 days after service upon him of a written notice of entry of an order of the court under this chapter, any party may petition the appropriate reviewing court for a writ of mandate to require the court to make such order as the reviewing court finds appropriate.

404.7. Notwithstanding any other provision of law, the Judicial Council shall provide by rule the practice and procedure for coordination of civil actions in convenient courts, including provision for giving notice and presenting evidence.

404.8. Expenses of the assigned judge, other necessary judicial officers and employees, and facilities shall be paid or reimbursed by the state from funds appropriated to the Judicial Council.

SEC. 3. This act shall become operative January 1, 1974.

CHAPTER 1163

An act to add Section 14670.4 to the Government Code, relating to state property.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14670.4 is added to the Government Code, to read:

14670.4. (a) The Director of General Services may, subject to the approval of the State Public Works Board, enter into an agreement or agreements whereby the state will acquire all interest of its concessionaire at Squaw Valley, the Squaw Valley Improvement Corporation, in exchange for an approximately 400-acre portion of land at the former Stockton State Hospital farm declared surplus by the Legislature in 1953, the sale of an additional portion of such land, and an option to purchase the remaining portion for its fair market value.

CHAPTER 1164

An act to amend Sections 2193 and 2193.7 of the Business and Professions Code, and to amend Section 19 of, and to repeal Section 2193.7 of the Business and Professions Code, as added by Section 13.5 of, Assembly Bill No. 1952 of the 1972 Regular Session, relating to physicians and surgeons.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 2193 of the Business and Professions Code is amended to read:

2193. An applicant who does not qualify under Section 2193.5 and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian school, shall furnish documentary evidence, satisfactory to the board, that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in Sections 2191 and 2192 for a physician and surgeon applicant, and including at least 4,000 hours of professional instruction.

(b) He has been admitted or licensed to practice medicine and surgery in the country wherein is located the institution in which he has completed the resident courses of professional instruction required under this chapter.

(c) He has served at least one year in service in a hospital located in this state which the board finds provides satisfactory training for interns, or he is a diplomate of any of the American specialty boards approved by the American Medical Association, provided that such specialty training was acquired in the United States or Canada.

Before a certificate may be issued, the applicant must not only meet the requirements of subdivisions (a), (b), and (c) of this section but must also pass the written examination as provided under Article 10 (commencing with Section 2280) of this chapter, and an oral and comprehensive clinical examination. Prior to commencing an internship as specified in subdivision (c), if required, an applicant shall have first passed the written examination prescribed by such Article 10.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

SEC. 2. Section 2193.7 of the Business and Professions Code is amended to read:

2193.7. Notwithstanding any other provision of law, a person who at the time of his enrollment in a medical school in the Republic of Mexico is a citizen of the United States, and who possesses a diploma

issued to him after successful completion of a four-year program in such medical school located in the Republic of Mexico, which school is approved by the Republic of Mexico, shall be issued a physician's and surgeon's certificate if he meets all of the following requirements:

(a) He has successfully completed a one-year program of supervised clinical special internship in the field of general practice medicine in a program approved by the board pursuant to Article 4.6 (commencing with Section 2185) of this chapter. This program of supervised clinical special internship must be affiliated with an approved medical school and be under the direction of such medical school.

(b) He has successfully completed the same written examination prescribed by the board for graduates of California medical schools before or during his year of supervised clinical special internship.

(c) He has successfully completed the premedical education requirements set forth in Section 2191 in a school of higher education satisfactory to the board located in the United States.

Nothing in this section shall prohibit an applicant who may qualify for a certificate under this section from qualifying for a certificate under Section 2193.5 if such applicant meets the requirements of Section 2193.5.

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC. 3. Section 2193.7 of the Business and Professions Code, as added by Section 13.5 of Assembly Bill No. 1952 of the 1972 Regular Session is repealed.

SEC. 4. Section 19 of Assembly Bill No. 1952 of the 1972 Regular Session is amended to read:

Sec. 19. Sections 1, 1.5, 2, 2.5, 3.5, and 4 of this act shall become operative December 31, 1974.

CHAPTER 1165

An act to amend Section 1563 of the Code of Civil Procedure, relating to unclaimed property.

[Approved by Governor December 7, 1972. Filed with
Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1563 of the Code of Civil Procedure is amended to read:

1563. (a) Except as provided in subdivision (b), all escheated property delivered to the State Controller under this chapter shall be sold by the State Controller to the highest bidder at public sale in whatever city in the state affords in his judgment the most

favorable market for the property involved. The State Controller may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property. Any sale of escheated property held under this section shall be preceded by a single publication of notice thereof, at least one week in advance of sale, in an English language newspaper of general circulation in the county where the property is to be sold.

(b) Securities listed on an established stock exchange shall be sold at the prevailing prices on such exchange. Other securities may be sold over the counter at prevailing prices or, with prior approval of the State Board of Control, by such other method as the Controller may determine to be advisable. United States government savings bonds and United States war bonds shall be presented to the United States for payment. Subdivision (a) does not apply to the property described in this subdivision.

(c) The purchaser at any sale conducted by the State Controller pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Controller shall execute all documents necessary to complete the transfer of title.

CHAPTER 1166

An act to add Section 25365.6 to the Government Code, relating to county property.

[Approved by Governor December 7, 1972 Filed with
Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25365.6 is added to the Government Code, to read:

25365.6. The board of supervisors of a county of over 4,000,000 population, without complying with any other provision of law, may transfer with or without consideration and upon such terms and conditions as it determines, any easement, license or other interest in real property belonging to the county and not needed for county purposes to any water agency for such purposes as are consistent with the powers and duties of such districts or agencies.

Any such donation or transfer may be by way of grant, quitclaim, dedication, lease or license.

Any such donation or transfer for less than the full market value of the interest conveyed is hereby declared to be for a public purpose.

CHAPTER 1167

An act to amend Sections 242 and 4702 of the Civil Code, relating to family law.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 242 of the Civil Code is amended to read:

242. Every man shall support his wife, and his child; and his parent when in need. The duty imposed by this section shall be subject to the provisions of Sections 196, 206, and 5131.

SEC. 2. Section 4702 of the Civil Code is amended to read:

4702. (a) In any proceeding where a court makes or has made an order requiring payment of child support to a parent receiving welfare moneys for the maintenance of minor children, the court shall direct that payments of support be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and shall direct the district attorney to appear on behalf of such welfare recipient in any proceeding to enforce such order.

(b) In any proceeding where a court makes or has made an order requiring payment of child support to the person having custody of any minor children of the marriage, the court may direct that payments thereof be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and may direct the district attorney to appear on behalf of such minor children in any action to enforce such order. The court shall include in its order any service charge imposed under the authority of Section 580.5 of the Welfare and Institutions Code.

(c) Expenses of the county clerk, probation officer, or other officer of the court or county officer designated by the court, and expenses of the district attorney incurred in the enforcement of any order of the type described in subdivision (a) or (b), shall be a charge upon the county where the proceedings are pending. Any fees for service of process in the enforcement of any such order shall be a charge upon the county where the process is served.

CHAPTER 1168

An act to add Section 6256 to the Penal Code, relating to the state correctional system.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6256 is added to the Penal Code, to read:
6256. The Director of Corrections may enter into contracts, with the approval of the Director of General Services, with appropriate public or private agencies, to provide housing, sustenance, and supervision for such inmates as are eligible for placement in community correctional centers. Prisoners in the care of such agencies shall be subject to all provisions of law applicable to them.
The Department of Corrections shall reimburse such agencies for their services from such funds as may be appropriated for the support of state prisoners.

CHAPTER 1169

An act to amend Section 25210.4a of the Government Code, relating to local plans.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.4a of the Government Code is amended to read:

25210.4a. The term "miscellaneous extended services" as used in this chapter shall include, but shall not be limited to, the following:

(1) Water service including the acquisition, construction, operation, replacement, maintenance and repair of water supply and distribution systems, including land, easements and rights-of-way and water rights.

(2) Sewer service, including the acquisition, construction, operation, replacement, maintenance and repair of sewage collection, transportation and disposal systems, including land, easements and rights-of-way.

(3) Pest or rodent control.

(4) Street and highway sweeping.

(5) Street and highway lighting including the acquisition, construction, replacement, maintenance and repair of a street or highway lighting system, including land, easements and rights-of-way.

(6) Refuse collection.

(7) Garbage collection.

(8) Ambulance service.

(a) Area planning by an area planning commission established pursuant to Article 11 (commencing with Section 65600) of Chapter 3 of Title 7.

CHAPTER 1170

An act to add Part 9 (commencing with Section 37500) to Division 24 of the Health and Safety Code, relating to housing, declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Part 9 (commencing with Section 37500) is added to Division 24 of the Health and Safety Code, to read:

PART 9. LOW-INCOME HOME MANAGEMENT TRAINING

CHAPTER 1. LEGISLATIVE FINDINGS

37500. The Legislature finds that a limited supply of low-rent public housing units exist in this state to serve the housing needs of low-income families.

37501. The Legislature further finds and declares that housing is frequently denied low-income families because of their performance in home management and maintenance.

37502. The Legislature further finds and declares that the solution to the low-rent housing problem in the state must come from the efforts of both the private and the public sector, and that legislative proposals which can promote a joint effort by these sectors are in the best interests of the people of the state.

37503. The Legislature further finds and declares that existing federal programs providing low-rent housing in private accommodations and home ownership opportunities for low-income families can contribute greatly toward individual self-sufficiency and greater public acceptance of low-income housing.

37504. It is therefore the policy of the Legislature of the State of California to encourage local housing authorities to provide adequate training to low-income families in home management and maintenance. Supplemental financial assistance will be made available to housing authorities or other appropriate qualifying organizations for use in training low-income families and providing them with the necessary qualifications to live meaningful lives as renters or owners of low-income private accommodations.

CHAPTER 2. CALIFORNIA LOW-INCOME HOME MANAGEMENT TRAINING PROGRAM

37510. There is hereby established the California Low-Income Home Management Training Program to be administered by the Director of Housing and Community Development pursuant to the provisions of this part.

37511. The Director of Housing and Community Development shall adopt such reasonable regulations concerning the California Low-Income Home Management Training Program as are necessary to reasonably implement the provisions of this part.

37512. The Director of Housing and Community Development, in the administration of the provisions of this part, shall consult with an advisory committee which he shall appoint and which shall serve until completion of the program. The committee shall consist of nine members. Of these, three members shall be appointed from, and be representative of, the following areas: one from the real estate industry, one from the savings and loan industry, and one from local government; two members shall be appointed from the public at large; and four members shall possess the following qualifications: one shall be experienced in the administration of low-income public housing programs, one shall be experienced in home economics, one shall be a person of low income residing in a public housing project, and one shall be a teacher of the social sciences at the college or university level.

37513. The Director of Housing and Community Development is authorized to make grants to any duly established housing authority or nonprofit organization or developer of housing under the provisions of any federal program intended to increase the supply of housing for families of low income, for families whose incomes for continued occupancy in public housing do not exceed the income limits of local housing authorities for the applicant community. These grants shall be made to assist in the establishment of a home management training program by the authority, nonprofit organization, or developer. To qualify for such a grant, an applicant shall submit to the director an application showing a comprehensive plan for the training and qualification of low-income families.

37514. The Department of Housing and Community Development shall implement this program as a pilot study, limited to housing authorities and other nonprofit organizations, and as part of the study shall select applicants from at least four major urban centers, as determined by the department, to determine the desirability of training for housing low-income families. The department shall make a final report of its findings and recommendations to the Legislature not later than March 15, 1974.

37515. It is the intent of the Legislature that the provisions of Section 204 of Public Law 90-577 shall be utilized to the extent necessary to accomplish the maximum acquisition and utilization of federal funds available for programs under this part in the most direct and efficient manner.

37516. This part shall be operative notwithstanding the provisions of Section 37111.

37517. The existence of the advisory committee established pursuant to Section 37512 shall terminate June 30, 1973.

37518. This part shall terminate on June 30, 1974.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will substantially reenact the statutory provisions relating to low-income home management training which terminated June 30, 1972, thereby continuing the low-income home management training program until June 30, 1974. In order that the program may continue without serious disruption, it is imperative that this act take effect immediately.

CHAPTER 1171

An act to amend Section 23010 of the Government Code, and to amend Section 5544.1 of, and to add Section 5544.3 to, the Public Resources Code, relating to regional park districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 7, 1972. Filed with Secretary of State December 7, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23010 of the Government Code is amended to read:

23010. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any community services district, county waterworks district, mosquito abatement district, pest abatement district, fire protection district, flood control and water conservation district, park, recreation and parkway district, recreation, park and parkway district, or regional park district located wholly within the county, if its funds are or when available will be in the custody of the county or any officer of the county, in order to enable the district to perform its functions and meet its obligations. The loan shall not exceed 85 percent of the district's anticipated revenue for the fiscal year in which it is made or for the next ensuing fiscal year, and shall be repaid out of such revenue prior to the payment of any other obligation of the district.

SEC. 2. Section 5544.1 of the Public Resources Code is amended to read:

5544.1. Notwithstanding any other provisions of this article, the board may borrow money by issuance of promissory notes or other evidences of indebtedness in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars (\$200,000) or 5 percent of the assessed valuation of the real and personal property situated in the district, whichever is the lesser amount, to be used for any revenue-producing purpose for which the district is authorized to expend funds.

Indebtedness incurred pursuant to this section shall be repaid in

approximately equal annual installments during a period not to exceed five years from June 30th of the fiscal year in which it is incurred and shall bear interest at a rate not exceeding six percent (6%) per annum payable annually or semiannually or in part annually and in part semiannually.

Each such indebtedness shall be authorized by a resolution of the board unanimously adopted, and shall be evidenced by a promissory note or contract signed by the president of the board and attested by the secretary.

The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

Nothing herein shall be construed so as to limit or restrict the authority of the district to issue promissory notes or deeds of trust in the acquisition of real property or the exercise of its right of eminent domain subject to the limitations set forth in Section 5568 of this code.

Nothing herein shall limit the authority of the district to borrow pursuant to Section 5544.3.

SEC. 3. Section 5544.3 is added to the Public Resources Code, to read:

5544.3. The district may, pursuant to Section 5544, borrow not to exceed one hundred thousand dollars (\$100,000) to cover operating expenses between the time of formation of the district and the first receipt of revenue under Section 5545.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

New regional park districts were formed at the November 7, 1972, general election in Santa Clara, Marin, and Monterey Counties. Tax revenues will not begin to flow to these districts until the fiscal year 1973-74. It is in the public interest that these districts begin operations immediately upon their formation and, since they must be able to borrow money for operating expenses until they receive tax dollars, it is necessary that this act take effect immediately.

CHAPTER 1172

An act to add Section 418.3 to the Streets and Highways Code, relating to state highways.

[Approved by Governor December 8, 1972 Filed with
Secretary of State December 8, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 418.3 is added to the Streets and Highways Code, to read:

418.3. The department is requested to award, during the 1972-1973 and the 1973-1974 fiscal years, two major construction contracts for the construction of that part of that portion of Route 118, also known as the Simi Valley-San Fernando Valley Freeway, which has not already been completed, and the commission is requested to grant high priority for construction on other uncompleted portions of the route so that the department may award other major construction contracts so that construction may proceed without delay on the route until it is completed, unless precluded therefrom by any conditions beyond the department's control.

CHAPTER 1173

An act to add Section 7263.5 to the Government Code, relating to relocation assistance.

[Approved by Governor December 8, 1972. Filed with
Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7263.5 is added to the Government Code, to read:

7263.5. For purposes of Section 7263, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person as determined from the most recent life tables in Vital Statistics of the United States, as published by the Public Health Service of the Department of Health, Education, and Welfare, shall be deemed a purchase of the condominium.

CHAPTER 1174

An act relating to planning and zoning and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 8, 1972. Filed with
Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, any city incorporated after July 1, 1971, but before December 1, 1972, in a county of the second class as designated pursuant to Section 28020 of the Government Code, shall not be subject to the provisions of Sections 65302, 65563, 65860, or 65910 of the Government Code until two years from the effective date of incorporation of such city.

SEC. 2. This act is an urgency statute necessary for immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Postponement of the required date of adoption of general and open-space plans by newly incorporated cities must become effective immediately so as to allow such cities sufficient time to properly and thoroughly prepare such plans without impairing the validity of zoning ordinances necessary for orderly and reasoned urban development.

CHAPTER 1175

An act making an appropriation for the development of Rincon Point.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session, and subject to the approval of the State Public Works Board, to the Department of Parks and Recreation the sum of forty thousand dollars (\$40,000) for the development of Rincon Point.

CHAPTER 1176

An act to add Section 6360 to the Revenue and Taxation Code, relating to sales and use tax, to take effect immediately, tax levy.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6360 is added to the Revenue and Taxation Code, to read:

6360. Any organization formed and operated for charitable

purposes and qualifying for the welfare exemption from property taxation under Section 214 is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to bracelets designed to commemorate American prisoners of war, which it distributes, whether or not a contribution is made to such organization, where the profits are used solely and exclusively in furtherance of the purposes of such organization.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall become operative on the first day of the first calendar quarter commencing more than 60 days after the effective date of this act.

CHAPTER 1177

An act to add Section 16784 to the Education Code, and to amend Section 11451.5 of, to add Section 10813 to, and to add Chapter 4.5 (commencing with Section 10825) to Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof.

[Approved by Governor December 8, 1972 Filed with
Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16784 is added to the Education Code, to read:

16784. Each county shall, as a minimum, maintain the level of expenditure for child care services provided by the county during the 1970-1971 fiscal year. Funds provided pursuant to this division are to be utilized to expand child development services to children by supplementing, and not supplanting, the county share of expenditures for child care services provided by county funds during the 1970-1971 fiscal year.

SEC. 2. Section 10813 is added to the Welfare and Institutions Code, to read:

10813. Each county shall, under the direction of the State Superintendent of Public Instruction and to the extent of funds appropriated by the Legislature for purposes of this section, provide child care services for former, current, and potential recipients of public assistance who certify that if provided such services they will accept or maintain employment or training and who further certify that without such services they would be unable to accept or maintain employment or training. The county is authorized to charge a fee, pursuant to the schedule established by the Superintendent of Public Instruction consistent with Section 16729 of

the Education Code.

The county may, with the approval of the Superintendent of Public Instruction and consistent with the provisions of Division 12.5 (commencing with Section 16700) of the Education Code, contract with other public or private agencies to provide child care services pursuant to this section. Any existing contracts with other public or private entities negotiated by a county prior to December 1, 1972, pursuant to the authority of Chapter 578 of the Statutes of 1971 shall not require such approval. The county expenditure for services under this section shall be in addition to the county share of expenditure for child care services during the 1970-1971 fiscal year.

This section will remain in effect until July 1, 1974, and on and after said date shall be of no force or effect.

SEC. 3. Chapter 4.5 (commencing with Section 10825) is added to Part 2 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 4.5. AID PAYMENTS

10825. Notwithstanding any other provision of law relating to the method of payment of aid under this part, a county may develop a payment system which, to the extent feasible, spreads the issuance of public assistance warrants evenly over the month. Such a payment system shall not be instituted until approved by the department.

10826. Upon election by a county to utilize the aid payment method provided by this chapter, the county shall submit for approval of the department a plan which includes provisions for assuring that

(a) Each recipient of aid will be assigned a date or dates within the month as the date or dates on which he will be paid in subsequent months;

(b) Each warrant will be placed in the mail in order to be delivered on the assigned payment date and that in the event there is no mail delivery on the assigned payment date, the warrant will be placed in the mail in time to be delivered to the payee on the last mail delivery date prior to the payment date; and

(c) Upon changing payment dates for any recipient, the recipient will receive a pro rata payment on the old payment date in payment of the aid to which such recipient is entitled prior to the new payment date.

SEC. 4. Section 11451.5 of the Welfare and Institutions Code, as amended by Chapter 670 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

11451.5. The purpose of this section is to provide the department with the necessary support and authority to implement provisions of the work incentive program as established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. The cost of work or training-related expenses and child care expenses shall be paid from special funds appropriated by the Legislature for the purpose. The state shall pay 67½ percent and the

county shall pay 32½ percent of the additional aid furnished for such work or training-connected expenses and child care expenses after a deduction therefrom of any funds received from the United States government.

It is the intent of this section to make maximum use of federal funds that are available to provide training, work-related expenses, and allowances for child care services. Accordingly, each county shall be required to pay such expenses under that plan which provides the greatest financial participation by the United States government.

Day care services shall be provided pursuant to Division 12.5 (commencing with Section 16700) of Part 3 of the Education Code in order to permit persons qualified for aid under this chapter to participate in the work incentive program authorized by Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. No allowance for day care of children shall be included in the grant authorized by Section 11450; except that during such times that the Superintendent of Public Instruction advises the welfare director of the county that he is unable to provide child care for each child eligible for services under Division 12.5 (commencing with Section 16700) of the Education Code, allowances for such care shall be provided either from income or grant allowances or from the work incentive program, whichever is applicable.

SEC. 5. There is hereby appropriated the balance of the sum of three million dollars (\$3,000,000) appropriated to the Department of Social Welfare by subdivision (b) of Section 39.7 of Chapter 578 of the Statutes of 1971, to the Health and Welfare Agency to be expended without regard to fiscal years through a contract with the Department of Education for the purposes of Section 10813 of the Welfare and Institutions Code and Division 12.5 (commencing with Section 16700) of the Education Code. These funds shall constitute the state share which shall be 67½ percent of the nonfederal costs of child care services required pursuant to Section 10813 of the Welfare and Institutions Code. The county shall provide 32½ percent of the nonfederal funds for child care services provided pursuant to Section 10813 of the Welfare and Institutions Code.

SEC. 6. The provisions of Sections 1, 2, 4, and 5 of this act shall only become operative if Assembly Bill No. 2089 of the 1972 Regular Session of the Legislature is enacted into law.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This legislation is necessary to authorize continuation of essential child care services and allow for a smooth, effective transition to the comprehensive child development services envisioned by Chapter 670 of the 1972 Statutes. It is necessary that this act take effect immediately to prevent the termination of ongoing programs providing vital child care services to children and their parents.

CHAPTER 1178

An act to amend Section 73 of the Streets and Highways Code, relating to state highways.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73 of the Streets and Highways Code is amended to read:

73. The commission shall relinquish to any county or city any portion of any state highway within such county or city which has been deleted from the state highway system by legislative enactment, and such relinquishment shall become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of such legislative enactment. It may likewise relinquish any portion of any state highway which has been superseded by relocation. Whenever the department and the county or city concerned have entered into an agreement providing therefor, or the legislative body of such county or city has adopted a resolution consenting thereto, the commission may relinquish, to any such county or city, any frontage or service road or outer highway, within the territorial limits of such county or city, which has a right-of-way of at least 40 feet in width and which has been constructed as a part of a state highway or freeway project, but does not constitute a part of the main traveled roadway thereof.

Relinquishment shall be by resolution. A certified copy of such resolution shall be filed with the board of supervisors or the city clerk, as the case may be; a certified copy of such resolution shall also be recorded in the office of the recorder of the county where such land is located, and upon such recordation, all right, title, and interest of the state in and to such portion of any state highway shall vest in the county or city, as the case may be, and such highway or portion thereof shall thereupon constitute a county road or city street, as the case may be.

The vesting of all right, title, and interest of the state in and to such portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished, is hereby confirmed.

Prior to relinquishing any portion of a state highway to a county or a city, except where required by legislative enactment, the department shall give 90 days' notice in writing of intention to relinquish to the board of supervisors, or the city council, as the case may be. Where the resolution of relinquishment contains a recital as to the giving of the notice, adoption of the resolution of relinquishment shall be conclusive evidence that the notice has been given.

The commission shall not relinquish to any county or city any

portion of any state highway which has been superseded by relocation until the department has placed the highway, as defined in Section 23, in a state of good repair. This requirement shall not obligate the department for widening, new construction, or major reconstruction, except as the commission may direct. A state of good repair requires maintenance, as defined in Section 27, including litter removal, weed control, and tree and shrub trimming to the time of relinquishment.

Within the 90-day period, the board of supervisors or the city council may protest in writing to the commission stating the reasons therefor, including, but not limited to, objections that the highway is not in a state of good repair, or is not needed for public use and should be abandoned by the commission. In the event that the commission does not comply with the requests of the protesting body, it may proceed with the relinquishment only after a public hearing given to the protesting body on 10 days written notice.

CHAPTER 1179

An act to add Section 16080.5 to the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 8, 1972. Filed with
Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16080.5 is added to the Vehicle Code, to read: 16080.5. (a) Any proceeding or order of the department pursuant to subdivision (c) of Section 16053, or Section 16080, 16100, or 16484, relating to the suspension of the drivers' license or driving privilege of any person, or the registration card or license plates for any vehicle owned by any person, shall be stayed by the receipt by the department of a request from such person for a hearing. Upon the receipt of any such request, the department shall refund any security deposited by such person.

(b) The provisions of subdivision (a) shall remain in effect as provided in this subdivision pending a decision by the United States Supreme Court regarding the constitutionality of the procedures of the department relating to the suspension of drivers' licenses and driving privileges. If the United States Supreme Court decides that the department's procedures approved by the federal court in the case of *Rivas v. Cozens* (1971), 327 F. Supp. 867, and in use prior to the decision of the California State Supreme Court in the case of *Rios v. Cozens* (1972), 7 Cal. 3d 792, afforded due process and were constitutional, the department shall resume proceedings and the issuance of suspension orders pursuant to subdivision (c) of Section

16053, and Sections 16080, 16100, and 16484 30 days thereafter or as soon thereafter as feasible, as reasonably determined by the department, and subdivision (a) of this section shall no longer have any force or effect. If the department's procedures in use prior to the case of *Rios v. Cozens* are found by the court not to afford due process and hearings are required to provide for calling of witnesses or the taking of oral testimony, the provisions of subdivision (a) shall remain operative until amended or repealed by the Legislature.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Department of Motor Vehicles is required to issue orders of suspension of drivers' licenses or driving privileges, and registration cards and license plates, pursuant to subdivision (c) of Section 16053 of, and Sections 16080, 16100, and 16484 of, the Vehicle Code, in the administration of Chapters 1 (commencing with Section 16000), 2 (commencing with Section 16250), and 3 (commencing with Section 16430) of Division 7 of the Vehicle Code.

A three-judge United States district court in the case of *Rivas v. Cozens* (1971), 327 F. Supp. 867, determined that the existing procedures of the Department of Motor Vehicles in the administration of such provisions were sufficient to afford due process to the persons affected.

However, the California State Supreme Court thereafter rendered a contrary opinion in the case of *Rios v. Cozens*, (1972), 7 Cal. 3d 792, which opinion requires the Department of Motor Vehicles to provide an opportunity for an extensive hearing to an uninsured motorist prior to suspending his driving privilege under the applicable statutes.

The Department of Motor Vehicles does not now have sufficient funds budgeted to conduct full scale or extensive hearings on the issues to be determined by the Department of Motor Vehicles nor adequate trained personnel to conduct such hearings.

The cases of *Rivas v. Cozens* and *Rios v. Cozens* are currently on appeal and pending before the United States Supreme Court to resolve the conflicts between the cases.

Pending the decision of the United States Supreme Court, the Department of Motor Vehicles is placed in a difficult and untenable position in administering existing provisions of law because of these circumstances. Thus, it is necessary that this act, which is intended to specify what course of action should be taken by the Department of Motor Vehicles until such decision is rendered, go into immediate effect.

CHAPTER 1180

An act to amend Sections 14978, 14981, and 15670 of the Elections Code, relating to elections.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14978 of the Elections Code is amended to read:

14978. When a machine or device has been approved by the commission, it shall not be changed or modified until the commission has been notified in writing and determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and reapproval pursuant to this article. The commission may adopt rules and regulations governing the procedures to be followed in making its determination as to whether the change or modification impairs accuracy or efficiency.

SEC. 2. Section 14981 of the Elections Code is amended to read:

14981. The commission shall review voting systems periodically to determine if they are defective, obsolete, or otherwise unacceptable. The commission has the right to withdraw its approval previously granted under this article of any voting machine or vote tabulating device should the machine or device prove defective or otherwise unacceptable after use in any election.

SEC. 3. Section 15670 of the Elections Code is amended to read:

15670. No ballot, ballot card, marking device, sorting machine, counting machine, or other mechanical device may be used pursuant to this chapter unless it is of a type approved by the commission. It shall not be changed or modified until the commission has been notified in writing and determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and reapproval pursuant to this article. The commission may adopt rules and regulations governing the procedures to be followed in making its determination as to whether the change or modification impairs accuracy or efficiency.

CHAPTER 1181

An act to amend Section 23754.4 of the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23754.4 of the Education Code is amended to read:

23754.4. Notwithstanding any provision in this chapter to the contrary, the trustees may defer the collection of tuition charged to nonresident students who are citizens and residents of a foreign country as follows:

(a) The amount which may be deferred may not exceed the excess in the amount of tuition required which is in excess of an annual rate of six hundred dollars (\$600) per academic year.

(b) No payment may be deferred beyond a date 30 days prior to the end of the academic term for which it is due, and payment of the deferred amount shall be a condition to the student's completion of that academic term, provided that payment due for the fall term of 1972 may be collected in installments during the 1972-1973 college year pursuant to such provisions as the chancellor may prescribe.

(c) In order to qualify for the deferment authorized by this section, a student must have been enrolled in the California State Colleges during the fall term of the 1970-1971 college year or have been accepted for admission on or before November 24, 1970, to a state college for a subsequent term during the 1970-1971 college year, and must remain in continuous attendance as a full-time student making normal progress toward a degree objective, and must not have been awarded a baccalaureate degree or graduate degree from the California State Colleges subsequent to the fall term of the 1970-1971 college year.

This section shall remain in effect until June 30, 1974, and shall have no force or effect after this date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

As a consequence of delays engendered by court actions, the operative payment date of the uniform rate of tuition for the fall term of 1972 for foreign students identified in Section 23754.4 has been delayed until December 1, 1972. As a result of uncertainties caused by these delays, it appears that a number of such foreign students will be unable to pay the full amount of the increase when it is due. By operation of other statutes, a failure to pay the full amount will result, at the least, in a reduction of the students' course unit load for the fall term, 1972, with a corresponding reduction in course credit earned. This result can be avoided only if the authority provided by this act is effective immediately.

CHAPTER 1182

An act to add Section 4457 to the Government Code, relating to public buildings.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4457 is added to the Government Code, to read:

4457. Any portable buildings leased or owned by a school district which are not used by the physically handicapped and which are otherwise subject to this chapter may be excepted therefrom upon application to and approval by, the Department of Rehabilitation.

CHAPTER 1183

An act to amend Section 19161 of the Business and Professions Code, relating to furniture and bedding.

[Approved by Governor December 8, 1972. Filed with Secretary of State December 8, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 19161 of the Business and Professions Code is amended to read:

19161. One year after adoption of regulations by the bureau, but not later than June 7, 1973, all mattresses manufactured for sale in this state, including any mattress manufactured for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant. One year after adoption of regulations by the bureau, but not later than April 1, 1975, all upholstered furniture sold or offered for sale by a manufacturer or wholesaler for use in this state, including any upholstered furniture sold to or offered for sale for use in a hotel, motel, or other place of public accommodation in this state, shall be fire retardant and shall be labeled in a manner specified by the bureau. "Fire retardant," as used in this section, means a product that meets the regulations adopted by the bureau.

CHAPTER 1184

An act to add Section 24053.8 to the Education Code, relating to the California State University and Colleges.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24053.8 is added to the Education Code, to read:

24053.8. Notwithstanding any other provision of law, obligations may be incurred for the summer quarter operation in the California State University and Colleges at campuses on year-round operations, subsequent to enactment of a Budget Act and prior to July 1, payable from the appropriations contained in such Budget Act for such purposes. Such obligations and the payment thereof shall be subject to Section 24053.1.

CHAPTER 1185

An act appropriating funds to the University of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education in the State Treasury to the Regents of the University of California the sum of forty-five thousand dollars (\$45,000), for the purpose of paying a street improvement assessment on property owned by the Regents on High Street in the City of Santa Cruz. Such funds are appropriated in compliance with Sections 5320 to 5325, inclusive, of the Streets and Highways Code, requiring a legislative appropriation as prerequisite to an obligation to pay improvement assessments.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present condition of High Street in the City of Santa Cruz, upon which there abuts property of the University of California, and its extremely heavy traffic load constitute an immediate threat to public safety. In order that the road improvements can be completed and alleviate the hazards at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 1186

An act to add Section 23428.18 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.18 is added to the Business and Professions Code, to read:

23428.18. For purposes of this article, "club" also means any labor council which is chartered by a national labor organization having affiliates in each state of the United States, has been in existence for at least five years, consists of not less than 100 delegates from not less than 20 separately chartered affiliated labor organizations, as defined by the National Labor Relations Act, the combined membership of which is not less than 7,000 persons, and owns or leases a building of not less than 3,000 square feet which is used by the delegates, or members of affiliated labor organizations, or both, for their social activities. No labor council which makes any discrimination, distinction, or restriction against any person on account of such person's age, sex, color, race, religion, ancestry, or national origin shall be licensed pursuant to this section.

CHAPTER 1187

An act to amend Section 24453 of the Education Code, relating to state colleges.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24453 of the Education Code is amended to read:

24453. All student housing and any other related facilities operated by the College Auxiliary Enterprise Fund are hereby designated a "project" under the State College Revenue Bond Act of 1947 and subject to the provisions of that act. All assets, liabilities and fund balances of the College Auxiliary Enterprise Fund are hereby transferred from that fund to a separate account to be established by the trustees within the State College Dormitory Revenue Fund.

CHAPTER 1188

An act relating to state lands at San Quentin.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services shall make a study of the real property at San Quentin in Marin County which is owned by the state and subject to the jurisdiction and use of the Department of Corrections, and shall submit a report of the study to the Legislature specifying the possible public uses to which the property, or portions thereof, could be put for the maximum benefit and enjoyment of the people of California. Such report shall be submitted on or before June 30, 1974. In the preparation of the report, the Director of General Services shall consult and cooperate with the Department of Corrections, the Department of Parks and Recreation, the Department of Fish and Game, the San Francisco Bay Conservation and Development Commission, the State Office of Planning, and local municipal and county agencies, and shall give particular consideration to the potential utility of the property, or portions thereof, as a park site, public recreation area, wildlife refuge, or as an archeological or historic site.

Neither such property nor any portion thereof shall be sold, leased, exchanged, or transferred, nor shall any offer to sell, lease, exchange, or transfer such property be made, until after the submission of such report and prior approval of the Legislature.

CHAPTER 1189*An act making an appropriation for the development of Bolsa
Chica State Beach.*

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. All moneys received pursuant to Chapter 1520 of the Statutes of 1967 are hereby appropriated to the Department of Parks and Recreation for development at Bolsa Chica State Beach, subject to the approval of the Public Works Board.

CHAPTER 1190

An act to amend Section 23428.10 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.10 of the Business and Professions Code is amended to read:

23428.10. For the purposes of this article "club" also means any peace officers association which is composed entirely of active and retired peace officers, which has a membership of not less than 75 bona fide members and has been in existence for a period of more than 10 years, which holds regular meetings and has regular dues, and which owns, leases, operates, or maintains an establishment for association purposes and has operated such establishment for not less than one year.

CHAPTER 1191

An act to amend Sections 11003.1, 11003.2, and 11003.3 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11003.1 of the Revenue and Taxation Code is amended to read:

11003.1. On or after the first day of January and the first day of July of each fiscal year the Department of Motor Vehicles shall report to the auditor of each county the address at which each trailer coach has situs within the county on which license fees have been paid during the six-month period immediately preceding January 1st and July 1st respectively, and the amount paid under this part on each trailer coach.

At the time the department reports to the county auditors it shall report to the Controller the information described in the preceding paragraph, or a summary thereof, for each of the counties.

SEC. 2. Section 11003.2 of the Revenue and Taxation Code is amended to read:

11003.2. Upon receiving the report from the Department of Motor Vehicles the county auditor shall transmit it to the county assessor. The assessor shall indicate on the report, or otherwise, the city, school district or code area in which each trailer has situs and

return the report to the auditor.

SEC. 3. Section 11003.3 of the Revenue and Taxation Code is amended to read:

11003.3. Upon receiving the report from the Department of Motor Vehicles the Controller shall, after deducting from the amount reported the proportionate amount transferred pursuant to Section 11003, transfer the remainder of the amount reported to the credit of a special account in the General Fund. The money in said special account is hereby appropriated to the Controller who shall disburse to the auditor of each county the net amount of money shown by the report to have been collected under this part on trailer coaches having situs within the county.

The money disbursed to the auditor and distributed by him to the county or a city pursuant to Section 11003.4 may be used for county or city purposes, and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

CHAPTER 1192

An act to add Section 9354.5 to the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 9354.5 is added to the Government Code, to read:

9354.5. The board shall keep in convenient form such data as is necessary for the actuarial valuation of this system. As of June 30, 1973, and thereafter at the ends of periods not to exceed four years, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of members and persons receiving benefits and an actuarial valuation of the assets and liabilities of this system. From time to time it shall determine the rate of interest being earned on the Legislators' Retirement Fund.

The board shall cause to be published, as of the date of the investigation and valuation, a financial statement showing an actuarial valuation of the assets and liabilities of this system and a statement as to the accumulated cash and securities in the Legislators' Retirement Fund as certified by the Controller.

The board shall include recommendations for financing the system in the financial statement.

CHAPTER 1193

An act to amend Section 11478.5 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11478.5 of the Welfare and Institutions Code is amended to read:

11478.5. There is in the Department of Justice a central registry of records showing, as far as is known, with respect to any parent who has deserted or abandoned any child:

- (a) The full and true name of such parent together with any known aliases;
- (b) His date and place of birth;
- (c) His physical description;
- (d) His social security number;
- (e) His occupation;
- (f) His military status and his Veterans' Administration or military service serial number;
- (g) His last known address and date thereof;
- (h) The number on his driver's license;
- (i) Any police record; and
- (j) Any further information that may be of assistance in locating him.

To effectuate the purposes of this section, the Attorney General may request and shall receive from departments, boards, bureaus, or other agencies of the state, or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the Justice Department and the local public agencies to carry out their powers and duties to locate such parents and to enforce their liability for the support of their children. In addition the district attorneys shall submit to the Attorney General a uniform statistical report each month summarizing case and collection activity in their counties in connection with child support enforcement. The Attorney General shall adopt a uniform report form to be used by the district attorneys in submitting this monthly report. The purpose of this uniform monthly report is to facilitate the analysis of each county's performance in child support activities.

Any records established pursuant to the provisions of this section shall be available only to welfare departments, district attorneys, probation departments, central registries in other states, and courts having jurisdiction in support or abandonment proceedings or actions.

The department, in consultation with the Department of Justice shall promulgate rules to facilitate maximum and efficient use of such registry by local welfare departments.

This section shall be construed in a manner consistent with the other provisions of this article.

CHAPTER 1194

An act to amend Section 5097.96 of the Public Resources Code, relating to archaeological, paleontological, and historical resources.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5097.96 of the Public Resources Code is amended to read:

5097.96. The plan or proposed legislation required to be developed pursuant to Section 5097.91 shall be submitted to the Secretary of the Resources Agency no later than December 31, 1973, on which date the task force established pursuant to this chapter shall be dissolved.

CHAPTER 1195

An act to add Sections 18102.11 and 18102.12 to, and to repeal Section 18102.11 as added by Chapter 1543 of the Statutes of 1970 to, to repeal Section 18102.11 as added by Chapter 1562 of the Statutes of 1970 to, to repeal Section 18102.11 as amended by Chapter 702 of the Statutes of 1972 to, to repeal Section 18102.12 as added by Chapter 1543 of the Statutes of 1970 to, to repeal Section 18102.12 as added by Chapter 1562 of the Statutes of 1970 to, and to repeal Section 18102.12 as amended by Chapter 702 of the Statutes of 1972 to, the Education Code, relating to special education programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18102.11 of the Education Code, as added by Chapter 1543 of the Statutes of 1970, is repealed.

SEC. 2. Section 18102.11 of the Education Code, as added by Chapter 1562 of the Statutes of 1970, is repealed.

SEC. 3. Section 18102.11 of the Education Code, as amended by Chapter 702 of the Statutes of 1972, is repealed.

SEC. 4. Section 18102.11 is added to the Education Code, to read:
18102.11. In lieu of the allowances provided under Sections 18102

to 18102.9, inclusive, for mentally retarded minors and severely mentally retarded minors, with respect to such pupils reevaluated and reexamined and determined to have the mental capacity for regular school enrollment, but in addition to allowances provided for foundation program support, the Superintendent of Public Instruction shall grant, from the moneys allocated by subdivision (c) of Section 17303.5, an allowance to school districts and county superintendents of schools providing supplemental education programs to facilitate the return to the regular school program of mentally retarded minors and severely mentally retarded minors who have been in special day classes, but who, upon being reevaluated or reexamined, are determined to have the mental capacity for regular school enrollment.

The allowance shall be an amount equal to the allowance computed pursuant to Section 18102.2, and Section 18102.8, if applicable. The allowance shall be granted for not more than the two next succeeding fiscal years, following the retesting under the direction of the Department of Education.

The allowance shall be granted for each of the two next succeeding fiscal years, following the reevaluation or reexamination.

Commencing with the 1972-1973 fiscal year, the Superintendent of Public Instruction shall not allow to all school districts and county superintendents of schools authorized to conduct supplemental programs more than a total of six million two hundred thousand dollars (\$6,200,000) per fiscal year for the total state support for such programs.

Whenever a school district or county superintendent of schools or the Superintendent of Public Instruction determines that an eligible student has made satisfactory academic progress so that he may be integrated into the regular school program, the district shall be ineligible for further support for such student pursuant to this article and the district's apportionment shall be likewise reduced.

The State Board of Education shall adopt rules and regulations for the operation of programs conducted pursuant to this section. Such rules and regulations shall include, but are not limited to, criteria for program approval, specifications for individual pupil objectives, and provisions for program evaluation.

It is the intent of the Legislature that the assistance provided through the supplemental education authorized to facilitate the return to the regular school program of those mentally retarded minors affected by Chapter 78 of the Statutes of 1971 will have been achieved by July 1, 1974, and therefore this section shall remain operative only until July 1, 1974, and as of that date is repealed.

SEC. 5. Section 18102.12 of the Education Code, as added by Chapter 1543 of the Statutes of 1970, is repealed.

SEC. 6. Section 18102.12 of the Education Code, as added by Chapter 1562 of the Statutes of 1970, is repealed.

SEC. 7. Section 18102.12 of the Education Code, as amended by Chapter 702 of the Statutes of 1972, is repealed.

SEC. 8. Section 18102.12 is added to the Education Code, to read: 18102.12. Beginning with the 1970-1971 fiscal year, for each special educational program for which an allowance is provided under Section 18102.11, each school district and each county superintendent of schools maintaining such program shall report annually to the Superintendent of Public Instruction, on forms he shall provide, all expenditures and income related to each such program. The Superintendent of Public Instruction shall conduct a fiscal and program audit of a representative sampling of districts conducting such programs during the 1973-1974 fiscal year.

If the Superintendent of Public Instruction, in consultation with the Director of Special Education, determines that the current expense of operating a special program does not equal or exceed the total of basic state aid and state equalization aid provided for support of the regular foundation program per unit of average daily attendance and the allowance provided under Section 18102.11, and any amount of local tax funds contributed toward the support of the foundation programs for each pupil in average daily attendance in the special program, then the amount of such deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

This section shall be operative only until July 1, 1974, and as of that date is repealed.

SEC. 9. All actions by the Department of Education, the State Board of Education, school districts, and county superintendent of schools taken pursuant to Sections 18102.11 and 18102.12 of the Education Code between June 30, 1972 and the effective date of this act, are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the program of special education assistance, commenced by legislative authorization in 1970, and affected by the provisions of this act, facilitating the return to the regular classroom of qualified pupils in special education programs to proceed in an orderly and efficient manner, without a temporary interruption in services during the school term, it is necessary that this act go into effect immediately.

CHAPTER 1196

An act to amend Section 23102.3 of the Vehicle Code, and to amend Section 564 of the Welfare and Institutions Code, relating to vehicles.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23102.3 of the Vehicle Code, as added by Chapter 900 of the Statutes of 1972, is amended to read:

23102.3. (a) In the case of a first conviction of driving a motor vehicle upon a highway while under the influence of intoxicating liquor, any judge of a court may order a presentence investigation to determine whether a person convicted of such offense would benefit from treatment for persons who are habitual users of alcohol.

(b) Except as otherwise provided in subdivision (c), in the case of a second or subsequent such conviction, the court shall order such a presentence investigation.

(c) Until January 1, 1974, in the case of a second or subsequent conviction of driving a motor vehicle upon a highway while under the influence of intoxicating liquor, every judge of a court located in the County of Los Angeles, Orange, San Diego, Alameda, or Santa Clara, or the City and County of San Francisco may, and on and after January 1, 1974, shall, order a presentence investigation to determine whether a person convicted of such offense would benefit from treatment for persons who are habitual users of alcohol.

(d) In any case, the court may order suitable treatment for the person, in addition to imposing any penalties required by this code.

SEC. 2. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code.

That the minor attend traffic school over a period not to exceed 60 days,

(b) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars (\$50),

(c) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months,

(d) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

CHAPTER 1197

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of thirty-two million five thousand nine hundred seventy-seven dollars (\$32,005,977) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-72, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated March 1972, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake	\$1,589,628
(b) For Antelope Dam and Lake	\$5,075,691
(c) For Grizzly Valley Dam and Lake Davis	\$4,881,503
(d) California Aqueduct, Delta to Dos Amigos Pumping Plant	\$9,724,580
(e) Oroville Division	\$10,734,575
Total of schedule	\$32,005,977

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of eight million one hundred seventy-three thousand two hundred four dollars (\$8,173,204) for

separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-72, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake	\$56,650
(b) Grizzly Valley Dam and Lake Davis	\$227,484
(c) Oroville Division	\$2,769,269
(d) California Aqueduct	\$1,583,918
(e) San Luis Dam and Reservoir and O'Neill Forebay	\$44,372
(f) Del Valle Dam and Lake Del Valle	\$592,931
(g) Castaic Dam and Lake	\$1,951,908
(h) Cedar Springs Dam and Silverwood Lake	\$946,672
Total of schedule.....	\$8,173,204

CHAPTER 1198

An act to add Section 5004.5 to the Vehicle Code, relating to motorcycles.

[Approved by Governor December 11, 1972 Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5004.5 is added to the Vehicle Code, to read:
 5004.5. Notwithstanding any other provision of this code, any owner of a motorcycle manufactured in the year 1942 or prior thereto shall, upon application in the manner and at the time prescribed by the department, be issued special license plates for the motorcycle. The special license plates assigned to such motorcycles shall run in a separate numerical series. An additional fee of fifteen dollars (\$15) shall be charged for the initial issuance of the special license plates. Such plates shall be permanent and shall not be required to be replaced. If such special license plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265. Except as otherwise provided in this section, such motorcycles shall be subject to the same annual registration fees and provisions of law as are other motorcycles.

All revenues derived from the fees provided for in this section above actual costs of the production and issuance of the special plates for motorcycles, or the replacement thereof, shall be deposited in the California Environmental Protection Program Fund by the department.

SEC. 2. This act shall become operative on January 1, 1974.

CHAPTER 1199

An act to amend Section 554 of the Penal Code, relating to trespass and loitering.

[Approved by Governor December 11, 1972 Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Penal Code is amended to read:

554. Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 554.1, and thereby become posted property subject to the provisions of this article applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one or more of the following:

(a) An oil well, oilfield, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works, used for the production, extraction, treatment, handling, storage, or transportation, of oil, gas, gasoline, petroleum, or any product or products thereof.

(b) A gas plant, gas storage station, gas meter, gas valve, or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas.

(c) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy.

(d) Plant, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio broadcasting.

(e) A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility, or conductor for producing, storing, diverting, conserving, treating, or conveying water.

(f) The production, storage, or manufacture of munitions,

dynamite, black blasting powder, gunpowder, or other explosives.

(g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.

(h) A plant and facility for the collection, pumping, transmission, treatment, outfall, and disposal of sanitary sewerage or storm and waste water, including a water pollution or quality control facility.

(i) A quarry used for the purpose of extracting surface or subsurface material or where explosives are stored or used for that purpose.

CHAPTER 1200

An act to amend Section 846 of the Civil Code, and to amend Section 831.4 of the Government Code, relating to liability of landowners.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 846 of the Civil Code, as amended by Chapter 1028 of the Statutes of 1971, is amended to read:

846. An owner of any estate in real property owes no duty of care to keep the premises safe for entry or use by others for fishing, hunting, camping, water sports, hiking, riding, including animal and all types of vehicular riding, rock collecting, or sightseeing or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in this section.

An owner of any estate in real property who gives permission to another for entry or use for the above purposes upon the premises does not thereby (a) extend any assurance that the premises are safe for such purposes, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purposes was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

SEC. 2. Section 831.4 of the Government Code is amended to read:

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any trail used for the above purposes.

CHAPTER 1201

An act to amend Section 12791 of the Education Code, relating to employment of minors.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 12791 of the Education Code is amended to read:

12791. The Division of Labor Law Enforcement, or the clerk or secretary of the governing board, of the school district in which the minor resides, a supervisor of attendance, or other person authorized by the board shall bring an action against any person, firm, corporation, or agent or officer of a firm or corporation that employs a minor in violation of the provisions of this chapter.

CHAPTER 1202

An act to add Chapter 2.5 (commencing with Section 429.65) to Part 1, Division 1 of the Health and Safety Code, relating to health professions planning grants.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 429.65) is added to Part 1, Division 1 of the Health and Safety Code, to read:

CHAPTER 2.5. HEALTH PROFESSIONS
PLANNING GRANTS

429.65. For the purpose of this chapter, "innovative programs of education in the health professions" means programs for the development of physicians, dentists, pharmacists, nurses, optometrists, and occupations in the allied health professions, which emphasize all of the following:

(a) The practice in the community on the part of graduates of the program.

(b) The utilization of existing teaching resources and clinical care facilities within the community in which the program is located.

(c) The development of curricular mechanisms which allow for movement from one occupational category to the next, up to and including the doctor of medicine level.

(d) The training of persons possessing previously acquired health care skills, for positions of greater responsibility, with an emphasis upon corpsmen honorably discharged from the military.

(e) The training of persons with little or no formal education but with a willingness and aptitude to acquire health care skills.

(f) The development of coordination with community health care facilities to insure quality education and satisfactory employment opportunities for graduates of the program.

429.66. The state department, in cooperation with the Coordinating Council for Higher Education, shall administer the program established pursuant to this chapter and shall for such purpose, adopt such rules and regulations as it determines are reasonably necessary to carry out the provisions of this chapter.

429.67. The state department is authorized to make grants, from funds appropriated by the Legislature for such purpose, to assist organizations in meeting the cost of special projects to plan, develop, or establish innovative programs of education in the health professions, or for research in the various fields related to education in such health professions, or to develop training for new types of health professions personnel, or to meet the costs of planning experimental teaching facilities.

In determining priority of project applications, the department shall give the highest priority to:

(1) Applicants able to obtain commitments for matching planning funds from other governmental and private sources.

(2) Applicants who develop a preliminary plan which conforms to the criteria stated hereinabove for innovative programs of education in the health sciences.

(3) Applicants which in its judgment are most able to translate a plan into a feasible program.

429.68. The state department shall conduct a survey to determine possible applicants for grants under this chapter and shall report annually to the Legislature beginning in January 1974 concerning all of the following:

(1) The number and characteristics of potential applicants for claims under this chapter.

(2) An evaluation of each possible applicant, and a ranking by priority of all possible applicants.

(3) Methods for evaluation of the effectiveness of the innovative training program proposed by each applicant.

(4) Recommendations as to the amount of funds needed to be appropriated for innovative programs of education in the health professions.

CHAPTER 1203

An act to add Section 4833 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4833 is added to the Revenue and Taxation Code, to read:

4833. (a) Notwithstanding any other provision of law to the contrary, if the correction after the delinquent date on the current roll of any assessor's error under Section 4831 of this chapter causes an increase in tax and the error was made without fault on the part of the assessee, no penalty or interest shall attach to the amount of such increase for a period of 30 days from the date of notice to the assessee of such correction.

(b) If the correction of any assessor's error under Section 4831 on the roll for any prior fiscal year causes an increase of tax of over one hundred dollars (\$100) or causes an increase of over 50 percent of the tax on such property for such year, whichever is greater, and such error was made without fault on the part of the assessee, no penalty or interest shall attach to the amount of such increase for a period of one year from the date of notice to the assessee.

SEC. 2. Section 1 of this act shall apply to corrections made on and after the effective date of this act.

SEC. 3. The procedures for implementing the provisions of this act shall be prescribed by the State Controller's Office.

CHAPTER 1204

An act to amend Sections 8740, 8741, 8742, 8743, 8744, 8747, 8761, 8780, and 8805 of, to amend and renumber Section 8745.5 of, and to repeal Sections 8740.5 and 8793 of, the Business and Professions Code, relating to surveyors.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8740 of the Business and Professions Code is amended to read:

8740. An application for each division of the examination for a license as a land surveyor shall be made to the board on the form prescribed by it, with all statements therein made under oath, and shall be accompanied by the application fee fixed by this chapter.

SEC. 2. Section 8740.5 of the Business and Professions Code is repealed.

SEC. 3. Section 8741 of the Business and Professions Code, as amended by Chapter 92 of the Statutes of 1971, is amended to read:

8741. The applicant for the second division examination shall have successfully passed the first division examination, or shall be exempt therefrom, and he shall be thoroughly familiar with the procedure and rules governing the survey of public lands as set forth in "Manual of Surveying Instructions," published by the Bureau of Land Management, Department of the Interior, Washington, D.C.

SEC. 4. Section 8742 of the Business and Professions Code is amended to read:

8742. The educational qualifications and experience in land surveying, which an applicant for the second division examination shall possess, shall be not less than the following prescribed minima:

(a) Actual experience, including both field and office training, in land surveying for at least six years. The board may regulate the manner of obtaining the field and office training.

(b) Equivalent land surveying experience for completion of a curriculum containing emphasis in land surveying subjects at a college, or junior or community college, approved by the board may be granted as follows:

(1) Graduation from a four-year college curriculum leading to a bachelor of science degree shall count as four years of equivalent experience.

(2) Graduation from a three-year college curriculum shall count as two years equivalent experience.

(3) Graduation from a two-year college curriculum shall count as one year of equivalent experience.

(4) Each year of study completed without graduation shall count as one-half year of experience up to a maximum of two years.

(c) Each applicant claiming equivalent credit for education may

be required to produce a complete transcript of all college level courses completed.

SEC. 5. Section 8743 of the Business and Professions Code is amended to read:

8743. The names and addresses of at least four land surveyors or civil engineers, duly qualified to practice in the place in which such practice has been conducted, each of whom has sufficient knowledge of the applicant to enable him to certify to the applicant's professional integrity, ability and fitness to receive a license, shall be submitted with the application for the second division of the examination.

SEC. 6. Section 8744 of the Business and Professions Code is amended to read:

8744. The applicant for the second division of the examination shall state in his application that, should he be licensed, he will support the Constitution of this State and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor.

SEC. 7. Section 8745.5 of the Business and Professions Code is amended and renumbered to read:

8740.1. The first division of the examination shall test the applicant's knowledge of fundamental surveying, mathematics, and basic science. Applicants who have passed the engineer-in-training examination, or who hold professional engineer registration, are exempt from this division of the examination.

The second division of the examination shall test the applicant's ability to apply his knowledge and experience and to assume responsible charge in professional practice of land surveying.

SEC. 8. Section 8747 of the Business and Professions Code, as amended by Chapter 716 of the Statutes of 1971, is amended to read:

8747. Any applicant who has passed the examinations prescribed by the board shall have a suitable license issued to him.

(a) An applicant who has passed the first division of the examination shall be issued a certificate as a land surveyor-in-training. No renewal or other fee, other than the application fee, shall be charged for this certification. A land surveyor-in-training certificate shall not authorize the holder thereof to practice or offer to practice land surveying. No person shall use the title of land surveyor-in-training unless he is the holder of a valid land surveyor-in-training certificate.

(b) An applicant who has passed the second division of the examination shall be issued a license as a land surveyor. The license shall authorize him to practice as a land surveyor.

SEC. 9. Section 8761 of the Business and Professions Code is amended to read:

8761. Any licensed land surveyor or registered civil engineer may practice land surveying and prepare maps, plats, reports, descriptions or other documentary evidence in connection therewith. All maps, plats, reports, descriptions, or other documents issued by the licensed land surveyor or registered civil engineer shall

be signed by him to indicate his responsibility for them. In addition to his signature, he shall show his license or registration number or the stamp of his seal.

Every map, plat, report, description, or other document issued by a licensed land surveyor or registered civil engineer shall comply with the provisions set forth in Section 8764, whenever such map, plat, report, description or other document is filed as a public record.

It is unlawful for any person to sign, stamp or seal any map, plat, report, description or other document unless he is authorized to practice land surveying.

SEC. 10. Section 8780 of the Business and Professions Code is amended to read:

8780. By a majority vote, the board may suspend for a period not to exceed two years, or revoke the license or certificate of any licensed land surveyor or registered civil engineer, respectively licensed under this chapter or registered under the provisions of Chapter 7 (commencing with Section 6700) of Division 3, whom it finds to be guilty of:

(a) Any fraud, deceit, negligence, or incompetency in his practice of land surveying.

(b) Any fraud or deceit in obtaining his license.

(c) Any violation of any provision of this chapter or of any other law relating to or involving the practice of land surveying.

(d) Any conviction of a felony in connection with the practice of land surveying. The record of the conviction shall be conclusive evidence thereof.

(e) Lack of good moral character.

(f) Aiding or abetting any person in the violation of any provision of this chapter.

(g) A breach of contract in connection with the practice of land surveying.

SEC. 11. Section 8793 of the Business and Professions Code, as amended by Chapter 108 of the Statutes of 1971, is repealed.

SEC. 12. Section 8805 of the Business and Professions Code is amended to read:

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The application fee for the examination is as follows:

(1) For the first division of the examination, not more than forty dollars (\$40).

(2) For the second division of the examination, not more than sixty dollars (\$60).

(b) The duplicate certificate fee at not more than six dollars (\$6).

(c) The renewal fee shall be fixed by the board at not more than twenty dollars (\$20).

(d) The temporary license fee at not more than twenty dollars (\$20).

(e) The delinquency fee for a license which expires after June 30, 1961, is an amount equal to 50 percent of the renewal fee in effect on the date of its reinstatement.

CHAPTER 1205

An act to amend Section 13 of, and to add Section 13.1 to, the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), relating to the Humboldt County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945) is amended to read:

Sec. 13. The board may institute district projects or projects for single zones and joint projects for two or more zones, and projects for subzones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to the district or to such zone, subzone, or participating zones. As used in this section, "project" includes a contract with the United States for a water supply.

For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the district as a whole or by the particular zones, subzones, or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in the district or in such zone, subzone, or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in the district or in such zone, subzone, or in each of said participating zones. Said notice must designate a public place in the district or in such zone, subzone, or in each of said participating zones where a copy or copies of the map or maps of said project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written

and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters residing within the district or such zone, subzone, or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

SEC. 2. Section 13.1 is added to the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), to read:

Sec. 13.1. If, after the hearing provided for in Section 13 of this act, the board determines to proceed with any project not involving the incurring of a bonded indebtedness, the board may call a special election and submit to the qualified voters of such zone, subzone, or participating zones the question whether or not the board should proceed with the project.

Such special election shall be called and held in the same manner as a board election under Section 15.

If such question is submitted by the board to the voters of a zone, subzone, or participating zones, the district may not proceed with the project unless a majority of the votes cast are in favor thereof.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Humboldt County Flood Control District is presently contemplating entering into a contract with the United States for a water supply. In order that the district may call a special election at the earliest possible time to ascertain the sentiment of the district voters as to the proposed contract, it is necessary that this act go into immediate effect.

CHAPTER 1206

An act to amend Sections 69594 and 70141.7 of the Government Code, relating to superior court judges.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69594 of the Government Code, as amended by Chapter 1701 of the Statutes of 1971, is amended to read:

69594. In the County of San Bernardino there shall be 14 judges.

SEC. 2. Section 70141.7 of the Government Code is amended to read:

70141.7. In any county with a population exceeding 650,000 and not exceeding 700,000, as determined by the 1970 federal census, the superior court may appoint two commissioners. The superior court may provide that the commissioners, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a monthly salary in accordance with the following salary range of five annual steps; one thousand six hundred seventy-four dollars (\$1,674) a month for the first year; one thousand seven hundred fifty-eight dollars (\$1,758) a month for the second year; one thousand eight hundred forty-six dollars (\$1,846) a month for the third year; one thousand nine hundred thirty-eight dollars (\$1,938) a month for the fourth year; and two thousand thirty-five dollars (\$2,035) a month for the fifth year. Each commissioner shall also be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1207

An act to amend Sections 11107, 11110, and 13103 of the Vehicle Code, relating to driving.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11107 of the Vehicle Code is amended to read:

11107. (a) The Department of Motor Vehicles may refuse to issue a license certificate to any applicant to conduct a driver school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has been convicted in a court of record or has done any act or series of acts or is guilty of conduct which would be a cause for suspension or revocation under Section 11110. A conviction after a plea of nolo contendere shall be deemed to be a conviction within the meaning of this section.

(4) One or more of the partners, if the applicant be a partnership, or one or more of the directors, employees, or officers of the

corporation, if a corporation be the applicant, was previously the holder of a license issued under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or that one or more of such partners, directors, employees, or officers, as the case may be, though not previously the holder of a license, was convicted or has done any act or series of acts or been guilty of conduct which would be a cause for revocation or suspension under Section 11110; or has been convicted of a felony.

(5) By reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business it is likely that the policy of the business will be directed, controlled or managed by an individual who by reason of the conviction, act, series of acts or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 11110 of the Vehicle Code, as amended by Chapter 1530 of the Statutes of 1971, is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or of violating Section 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, or 23104 of this code or Section 192 of the Penal Code. A conviction after a plea of nolo contendere shall be deemed to be a conviction within the meaning of this section.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

(j) Whenever the licensee conducts driver training, or permits driver training by any employee, in an unsafe manner or contrary to safe driving practices.

SEC. 3. Section 13103 of the Vehicle Code is amended to read:
13103. For purposes of this division, a plea of nolo contendere or a plea of guilty or judgment of guilty, whether probation is granted or not, a forfeiture of bail, or a finding reported under Section 1816, constitutes a conviction of any offense prescribed by this code, other than offenses relating to the unlawful parking of vehicles.

CHAPTER 1208

An act to amend Sections 74691, 74692, 74693, and 74693.1 of the Government Code, relating to courts.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 74691 of the Government Code is amended to read:

74691. There shall be three judges.

SEC. 2. Section 74692 of the Government Code is amended to read:

74692. There shall be one clerk of the municipal court who shall receive a biweekly salary at the rate specified in range 61 of the salary schedule provided in Section 74693.1.

SEC. 3. Section 74693 of the Government Code, as amended by Chapter 291 of the Statutes of 1971, is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a biweekly salary at the rate specified in range 54 of the salary schedule provided in Section 74693.1.

(b) One deputy court clerk grade IV who shall receive a biweekly salary at the rate specified in range 45 of the salary schedule provided in Section 74693.1.

(c) Eight deputy court clerks grade III who shall receive a biweekly salary at the rate specified in range 40 of the salary schedule provided in Section 74693.1.

(d) Eleven deputy court clerks each of whom shall be either grade I or grade II. Grade II deputy clerks shall receive a biweekly salary at the rate specified in range 32 of the salary schedule in Section 74693.1. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 27 of the schedule.

(e) One typist-clerk grade I who shall receive a biweekly salary at the rate specified in range 24 of the salary schedule provided in Section 74693.1.

SEC. 4. Section 74693.1 of the Government Code, as amended by Chapter 291 of the Statutes of 1971, is amended to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Range	Step 1	Step 2	Step 3	Step 4	Step 5
23	\$189.60	\$198.40	\$208.00	\$216.80	\$227.20
24	194.40	203.20	212.80	222.40	232.80
25	198.40	208.00	216.80	227.20	238.40
26	203.20	212.80	222.40	232.80	244.00
27	208.00	216.80	227.20	238.40	249.60
28	212.80	222.40	232.80	244.00	255.20
29	216.80	227.20	238.40	249.60	260.80
30	222.40	232.80	244.00	255.20	267.20
31	227.20	248.40	249.60	260.80	272.80
32	232.80	244.00	255.20	267.20	280.00
33	238.40	249.60	260.80	272.80	285.60
34	244.00	255.20	267.20	280.00	293.60
35	249.60	260.80	272.80	285.60	300.00
36	255.20	267.20	280.00	293.60	307.20

37	260.80	272.80	285.60	300.00	313.60
38	267.20	280.00	293.60	307.20	321.60
39	272.80	285.60	300.00	313.60	328.80
40	280.00	293.60	307.20	321.60	336.80
41	285.60	300.00	313.60	328.80	344.00
42	293.60	307.20	321.60	336.80	352.80
43	300.00	313.60	328.80	344.00	360.80
44	307.20	321.60	336.80	352.80	369.60
45	313.60	328.80	344.00	360.80	378.40
46	321.60	336.80	352.80	369.60	387.20
47	328.80	344.00	360.80	378.40	396.00
48	336.80	352.80	369.60	387.20	406.40
49	344.00	360.80	378.40	396.00	415.20
50	352.80	369.60	387.20	406.40	425.60
51	360.80	378.40	396.00	415.20	435.20
52	369.60	387.20	406.40	425.60	445.60
53	378.40	396.00	415.20	435.20	456.00
54	387.20	406.40	425.60	445.60	467.20
55	396.00	415.20	435.20	456.00	478.40
56	406.40	425.60	445.60	467.20	490.40
57	415.20	435.20	456.00	478.40	500.80
58	425.60	445.60	467.20	490.40	513.60
59	435.20	456.00	478.40	500.80	525.60
60	445.60	467.20	490.40	513.60	538.40
61	456.00	478.40	500.80	525.60	551.20
62	467.20	490.40	513.60	538.40	564.80
63	478.40	500.80	525.60	551.20	577.60
64	490.40	513.60	538.40	564.80	592.00
65	500.80	525.60	551.20	577.60	606.40

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range set forth in this section, shall for the first six months of service, receive the rate of biweekly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, they shall have their existing salaries adjusted to the same relative step in the new range, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

CHAPTER 1209

An act to amend Section 24306 of the Government Code, relating to county officers.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24306 of the Government Code is amended to read:

24306. If the board of supervisors in counties having a population of 4,000,000 or more persons, consolidates two or more offices pursuant to statute or charter, the occupant of the consolidated office need not possess any of the qualifications required of the occupant of any of the separate offices which are consolidated if:

- (a) No qualification applies to all of the offices consolidated; and
- (b) The board finds that sufficient personnel possessing the qualifications required are employed in the consolidated office to assure that decisions made by the occupant of the office are based upon competent professional advice.

This section does not permit the occupant of such consolidated office to practice any profession or trade for the practice of which a license, permit or registration is required without such license, permit, or registration.

 CHAPTER 1210

An act to add Sections 3050.1, 3050.2 and 3050.3 to the Vehicle Code, relating to new car dealers.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3050.1 is added to the Vehicle Code, to read:

3050.1. In any proceeding, hearing, or in the discharge of any duties imposed under this chapter, the board or its secretary may administer oaths, take depositions, certify to official acts, and issue subpoenas to compel attendance of witnesses and the production of books, records, papers, and other documents in any part of the state.

SEC. 2. Section 3050.2 is added to the Vehicle Code, to read:

3050.2. Obedience to subpoenas issued in accordance with this chapter may be enforced by application to the superior court as set forth in Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

SEC. 3. Section 3050.3 is added to the Vehicle Code, to read:

3050.3. Each witness, other than an officer or employee of the state or of a political subdivision of the state, who appears by order of the board or its secretary, shall receive for his attendance the same fees and all witnesses shall receive the same mileage allowed by law to witnesses in civil cases. The amount shall be paid by the party at whose request the witness is subpoenaed. The mileage and fees, if any, of a witness subpoenaed by the board or its secretary, but not at the request of a party, shall be paid from the funds provided for the use of the board in the same manner that other expenses of the board are paid.

CHAPTER 1211

An act to amend Sections 3517, 3575, and 5004 of, and to add Section 3521 to and Article 3.5 (commencing with Section 3581) to Chapter 1 of Division 2 of, the Public Utilities Code, relating to carriers.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3517 of the Public Utilities Code is amended to read:

3517. "Highway contract carrier" means every highway carrier other than (a) a highway common carrier, (b) a radial highway common carrier, (c) a petroleum contract carrier, (d) a petroleum irregular route carrier, (e) a cement contract carrier, (f) a dump truck carrier, (g) a cement carrier, or (h) a livestock carrier.

SEC. 2. Section 3521 is added to the Public Utilities Code, to read:

3521. "Livestock carrier" means any person or corporation engaged in the transportation for compensation over any public highway in this state of ordinary livestock in any motor vehicle or combination of vehicles.

SEC. 3. Section 3575 of the Public Utilities Code is amended to read:

3575. Every highway contract carrier, dump truck carrier, livestock carrier, cement contract carrier and every radial highway common carrier who engages subhaulers or leases equipment from employees shall file with the commission a bond, the amount of which shall be determined by the commission but which shall be not less than two thousand dollars (\$2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and employee-lessors of the highway carrier; provided, however, that the aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

SEC. 4. Article 3.5 (commencing with Section 3581) is added to

Chapter 1 of Division 2 of the Public Utilities Code, to read:

Article 3.5. Livestock Carriers

3581. The transportation for compensation over any public highway in this state of ordinary livestock in any motor vehicle or combination of vehicles is declared to be a highly specialized type of truck transportation. This article is enacted for the limited purpose of providing necessary regulations for this specialized type of transportation only, and it is not to be construed for any purpose as a precedent for the extension of such regulations to any other type of transportation.

3582. No livestock carrier shall engage in the business of transportation for compensation over any public highway in this state of livestock in any motor vehicle or combination of vehicles unless there is in force a permit issued by the commission authorizing such operation.

3583. (a) Application for permits to operate as a livestock carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by proof of service upon such interested parties as the commission requires.

(b) Any livestock carrier engaged in business as such on the effective date of this section shall file with the commission prior to July 1, 1973, an application for a permit to operate as a livestock carrier; provided, that in lieu of all other fees required by law, the applicant shall pay a fee of twenty-five dollars (\$25). The commission shall issue such permit authorizing operation within the area requested in the application without further proceedings.

3584. Except as provided in Section 3583, any highway carrier desiring a permit to operate as a livestock carrier shall file an application therefor with the commission. The application shall set forth:

- (a) The name and address of the applicant.
- (b) The names and addresses of its officers, if any.
- (c) Full information concerning the financial condition and physical properties of the applicant.
- (d) Such other information necessary to the enforcement of this article as the commission may require.

Before a permit is issued, the commission shall require that the applicant establish its financial responsibility. The commission may, with or without hearing, issue or refuse to issue the permit. If the commission finds the applicant possesses the required financial responsibility to perform the operations proposed, it shall issue a permit. The commission may attach to the permit such terms and conditions as, in its judgment, are required to assure protection to persons utilizing the operation.

No permit shall be issued unless it has been shown that the applicant meets one of the following residence requirements: If an individual, applicant shall have resided in the State of California for

not less than 90 days next preceding the filing of the application. If a partnership, the partner with the largest percentage interest in the partnership shall have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant shall be a domestic corporation or shall have qualified to transact business in the State of California as a foreign corporation at the time of filing of the application.

Except as otherwise provided in this article, upon compliance by an applicant with this section, the commission shall issue a permit.

3585. No permit to operate as a livestock carrier shall be sold, leased, assigned, transferred or otherwise encumbered by the holder thereof until such holder files with the commission a written application requesting authority to sell, lease, assign, transfer or otherwise encumber such operating authority and secures therefrom an order so authorizing. The commission shall authorize the sale, lease, assignment, or transfer of livestock carrier operating authority to the extent of the scope and the area of the operation of the holder thereof as determined by the commission.

3586. Any operating permit not exercised for a period of one year shall lapse and terminate and shall be revoked by the commission. Nonexercise of a permit shall be presumed from nonpayment of the fees required by Chapter 6 (commencing with Section 5001) of Division 2 for four consecutive quarters.

SEC. 5. Section 5004 of the Public Utilities Code is amended to read:

5004. The following fees shall be paid to the commission, pursuant to permits issued under the Highway Carriers' Act, Chapter 1 (commencing with Section 3501) of Division 2 of this code.

Five hundred dollars (\$500) for filing each application for a permit, except applications for a seasonal permit.

One hundred fifty dollars (\$150) for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any permit, except that for the transfer of each permit subsequent to the death of a permittee, and after court approval of the distribution of the estate or when it is not necessary to probate the will or distribute the estate through court, the fee is twenty-five dollars (\$25).

Twenty-five dollars (\$25) for filing each application for issuance or renewal of a permit to operate as a highway contract carrier or livestock carrier on a seasonal basis. Such seasonal permits shall authorize only the transportation of agricultural commodities including livestock; shall not be issued for a period exceeding three calendar months; and shall not be renewed more than twice in any calendar year.

CHAPTER 1212

An act to add Section 1657.5 to the Insurance Code, relating to insurance.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1657.5 is added to the Insurance Code, to read:

1657.5. When an application for a license or certificate of convenience to act as an insurance solicitor or application for change of employer is filed, the commissioner shall notify, in writing, every other agent or broker who is employing or has agreed to employ such applicant. Such notice shall contain the name and address of the agent or broker named in the statement required by Section 1657 appearing in the new application.

CHAPTER 1213

An act to amend Section 69598 of the Government Code, relating to courts.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 69598 of the Government Code is amended to read:

69598. In the County of San Joaquin there shall be seven judges of the superior court.

SEC. 2. Section 1 of this act shall become operative when the Board of Supervisors of the County of San Joaquin determines by resolution adopted by a four-fifths vote of the board that court quarters are available for the additional judge, provided for by Section 1 of this act, and notifies the Governor of the adoption of such resolution either in person or by registered mail.

CHAPTER 1214

An act to add and repeal Section 4181.3 of the Fish and Game Code, relating to mammals.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4181.3 is added to the Fish and Game Code, to read:

4181.3. The department shall file an annual report with the Legislature, not later than the fifth calendar day of each regular session of the Legislature, indicating the numbers, method of take, area of depredation, crops depredated, and the disposition of gray squirrels taken under Section 4181.

This section shall remain in effect only until January 31, 1975, and as of that date is repealed.

CHAPTER 1215

An act to amend Sections 14202, 14254, 14903, 14910, 15101, 15150, 15201, 15704, 15752, 15753, and 15757 of, and to add Section 15102.2 to, the Financial Code, relating to credit unions.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 14202 of the Financial Code is amended to read:

14202. The bylaws shall prescribe the manner in which the business of the credit union shall be conducted with reference to the following matters:

- (a) The purpose of the corporation.
- (b) The qualification for membership.
- (c) Determination of the month, time and place of the annual meeting; the manner of conducting meetings; the method by which members shall be notified of meetings; and the number of members which shall constitute a quorum.
- (d) The number of directors necessary to constitute a quorum, and the compensation and duties of officers elected by the directors.
- (e) The membership, powers, and duties of the supervisory committee.
- (f) The membership, powers, and duties of the credit committee.
- (g) The conditions upon which shares may be issued, paid for, transferred and withdrawn.
- (h) The fines, if any, which shall be charged for failure to punctually meet obligations of the corporation.
- (i) The conditions upon which certificates may be issued and withdrawn.
- (j) The manner in which the funds of the corporation shall be employed.
- (k) The conditions upon which loans may be made and repaid.

(l) The maximum rate of interest that may be charged upon loans.

(m) The method of receipting for money paid on account of shares, certificates or loans.

(n) The manner in which the guaranty fund shall be accumulated.

(o) The manner in which dividends may be determined and paid to members.

(p) The manner in which the bylaws may be amended.

SEC. 2. Section 14254 of the Financial Code is amended to read: 14254. If the commissioner is satisfied that the field of membership of the applicant is not contrary to the principles of organizing credit unions based on common bond of employment, membership, or residence, and does not substantially encroach upon that of any existing credit union to the extent that it will impair the successful operation of either credit union, that the number of persons eligible for membership is not less than 100, that the responsibility, character, and general fitness of the officers, committeemen, and directors of applicant is such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this division, the commissioner shall issue to the applicant a certificate authorizing it to engage in and carry on business as a credit union.

SEC. 3. Section 14903 of the Financial Code is amended to read: 14903. No credit union shall make any loan in excess of one thousand dollars (\$1,000) without security, except that credit unions with paid-in and unimpaired capital and surplus in excess of one hundred thousand dollars (\$100,000) may make a loan, without security, of 1 percent of paid-in and unimpaired capital and surplus or two thousand five hundred dollars (\$2,500), whichever is less, provided, that credit unions with paid-in and unimpaired capital and surplus in excess of two hundred fifty thousand dollars (\$250,000) may make a loan, without security, of two thousand five hundred dollars (\$2,500) plus one-fourth of 1 percent of paid-in and unimpaired capital and surplus, or five thousand dollars (\$5,000), whichever is less.

SEC. 4. Section 14910 of the Financial Code is amended to read: 14910. No credit union shall:

(a) Make loans to any director, officer, member of the credit committee, or member of the supervisory committee directly or indirectly which results in such person owing an amount greater than the amount invested by him in the credit union unless all of the following requirements are satisfied:

(1) The loan complies with all lawful requirements of this division with respect to loans to other borrowers and is not on terms more favorable than those extended to other borrowers.

(2) Upon the making of the loan, the aggregate amount of loans outstanding, except loans fully secured by shares, to directors, officers, members of the credit committee and their alternates, or

members of the supervisory committee will not exceed 10 percent of the unimpaired capital and surplus of the credit union.

(3) The loan, except any portion fully secured by shares, does not exceed 1 percent of the unimpaired capital and surplus of the credit union, or five thousand dollars (\$5,000), whichever is less.

(4) The loan is approved by the credit committee and by the board of directors.

(5) The borrower takes no part in the consideration of his application and does not attend any committee or board meeting while his application is under consideration.

(b) Permit any director, officer, member of the credit committee, or member of the supervisory committee to become surety for any loan or advance made by the credit union.

SEC. 5. Section 15101 of the Financial Code is amended to read:

15101. The capital funds, undivided profits, and guaranty fund of any credit union may be deposited in any of the following:

(a) Savings banks, state banks, or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) Securities authorized in Sections 1352 to 1366, inclusive, and in Section 1372.

(d) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in this state, organized under the provisions of this division or the statutes of the United States relating to credit unions.

(e) Accounts with, investment certificates or withdrawable shares of, any savings and loan association doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act; provided that the total sum invested by any credit union in any one savings and loan association pursuant to this section shall not exceed the greater of one-fourth of 1 percent of such savings and loan association's total withdrawable accounts or the maximum amount of insurance on a single savings and loan account then provided by the Federal Savings and Loan Insurance Corporation of the United States under the provisions of subdivision (b) of Section 401 (subdivision (b) of 12 U.S.C. 1724) and subdivision (a) of Section 405 (subdivision (a) of 12 U.S.C. 1728) of Title IV of the National Housing Act.

(f) With the written approval of the commissioner, credit unions may invest in trusts organized solely for the purpose of investing in United States government securities and United States government agency securities; provided such trust is formed by an organization composed of credit unions described in subdivision (a) of Section 14805.5 or an organization of credit union associations.

SEC. 6. Section 15102.2 is added to the Financial Code, to read:

15102.2. A credit union may, in accordance with rules and regulations prescribed by the commissioner, purchase from any liquidating credit union notes made by individual members of such liquidating credit union, at such prices and under such terms as may

be agreed upon by the board of directors of the purchasing credit union and the board of directors, or liquidating agent, of the liquidating credit union.

SEC. 7. Section 15150 of the Financial Code is amended to read:

15150. Every credit union shall create and maintain a guaranty fund as follows:

(a) All entrance fees and transfer fees remaining after the payment of organization expenses shall be set aside to such fund.

(b) At the close of each accounting period, 10 percent of the gross income of the corporation shall be transferred to such fund until the fund equals or exceeds 20 percent of the credit union's gross assets. When the fund falls below 20 percent of the credit union's gross assets, it shall be replenished by contributions of 10 percent of the gross income of the corporation or in such lesser amounts as may be needed to maintain a level of 20 percent of gross assets, except that any credit union participating in a program of share insurance approved by the commissioner may, in lieu of compliance with this section, maintain such guaranty fund as may be specified by the commissioner.

(c) Any sums recovered on items previously charged to it shall be credited to such fund.

SEC. 8. Section 15201 of the Financial Code is amended to read:

15201. The directors of any credit union may, at the close of each quarter, half year, or fiscal year, declare such dividends from its undivided profits as provided by law, but no credit union shall declare, credit, or pay any dividends to its shareholders until it has transferred to its guaranty fund such part of its gross income as is required by Section 15150.

SEC. 9. Section 15704 of the Financial Code is amended to read:

15704. After the meeting of the members, the credit union shall take such action as is necessary to make it a federal credit union, and within 10 days after receipt of the federal charter the credit union shall file in the office of the commissioner and in the office of the Secretary of State, a copy of the charter issued to such credit union by the National Credit Union Administration or a certificate showing the organization of such credit union as a federal credit union certified by or on behalf of the National Credit Union Administration. Upon the filing of such instrument in the office of the Secretary of State the credit union ceases to be a state credit union and is a federal credit union.

SEC. 10. Section 15752 of the Financial Code is amended to read:

15752. The commissioner may conduct a joint audit of the federal credit union with federal auditors. Upon completion of such audit, he shall issue a certificate to the National Credit Union Administration showing the results of such audit. The commissioner may also certify that the transfer of the assets and liabilities from the federal credit union to a credit union subject to the laws of this state has been effected in compliance with the applicable laws of this state. The costs of the audit mentioned in this section shall constitute a charge

against the credit union.

SEC. 11. Section 15753 of the Financial Code is amended to read:

15753. Copies of the minutes of the proceedings of the meeting of the members in which they voted to convert into a state credit union, verified by the affidavit of the board of directors of the credit union, shall be filed within 10 days after the meeting in the office of the commissioner, and, in duplicate, with the National Credit Union Administration.

SEC. 12. Section 15757 of the Financial Code is amended to read:

15757. Within 10 days after the filing of the articles of incorporation with the Secretary of State, there shall be filed, with the National Credit Union Administration, two copies of the articles of incorporation, certified by the Secretary of State.

CHAPTER 1216

An act to amend Sections 253.1, 253.3, 253.5, 253.6, 253.7, 253.8, 263.1, 263.5, 263.7, 308, 330, 332, 333, 378, 398, 411, 422, 425, 442, 457, 462, 474, 493, 495, 501, 563, 575, and 582 of, to add Sections 308.1, 330.1, 417, 477, 486, 488, 545, and 630 to, and to repeal Sections 369, 406, 409, 507, 531, 541, and 561 of, the Streets and Highways Code, relating to state highways.

[Approved by Governor December 11, 1972 Filed with
Secretary of State December 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 253.1 of the Streets and Highways Code, is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 22, 24, 28, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 107, 108, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 330, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 2. Section 253.3 of the Streets and Highways Code is amended to read:

253.3. The California freeway and expressway system shall also include:

Route 23 from:

- (a) Route 101 near Newbury Park to Route 118.
- (b) Route 118 to Route 126 near Fillmore.

Route 26 from Route 99 near Stockton to Route 12.

Route 29 from:

(a) Route 80 near Vallejo to Oak Knoll Avenue north of the City of Napa.

(b) The Napa-Lake county line to Route 20.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

(c) Route 152 west of Los Banos to Route 5 near Santa Nella.

Route 35 from Route 280 to Route 1 near Daly City.

Route 36 from:

(a) Route 5 at Red Bluff to Route 395.

(b) Route 139 north of Susanville to Route 395 near Termo.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 1 near Huntington Beach to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

SEC. 3. Section 253.5 of the Streets and Highways Code is amended to read:

253.5. The California freeway and expressway system shall also include:

Route 79 from:

(a) Route 8 near Descanso to Route 78.

(b) Route 15 near Temecula to Route 10 near Beaumont.

Route 84 from:

(a) The westerly approach to the Dumbarton Bridge to Route 238.

(b) Route 680 near Scotts Corners to Route 580.

(c) Route 580 to Route 4 near Brentwood.

(d) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 91 from Route 405 to Route 15 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

(a) Route 5 south of Bakersfield to Route 80 in Sacramento.

(b) Route 5 in Sacramento to Route 20.

(c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) Route 5 near Seventh Street in Los Angeles to near Fell Street in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 105 from Route 405 to Route 605.

SEC. 4. Section 253.6 of the Streets and Highways Code is amended to read:

253.6. The California freeway and expressway system shall also include:

Route 111 from:

(a) The international boundary south of Calexico to Route 78 near Brawley passing east of Heber.

(b) Route 78 near Brawley to Route 86 near Mecca via the north shore of the Salton Sea.

(c) San Rafael Drive in Palm Springs to Route 10 near White Water.

Route 113 from Route 80 near Davis to Route 99 near Tudor.

Route 116 from:

(a) Route 181 near Forestville to Route 101 near Cotati.

(b) Route 101 near Petaluma to Route 121 near Schellville.

Route 120 from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.

Route 128 from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 to Route 29 near Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

SEC. 5. Section 253.7 of the Streets and Highways Code is amended to read:

253.7. The California freeway and expressway system shall also include:

Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 152 from Route 101 to Route 65 near Sharon via Pacheco Pass.

Route 160 from Sacramento to Route 80.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Fresno to Huntington Lake.

Route 170 from:

(a) Los Angeles International Airport to Route 90.

(b) Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

Route 178 from:

(a) Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 5 passing near Paicines.

(c) Route 5 to Route 99 passing near Mendota.

(d) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

SEC. 6. Section 253.8 of the Streets and Highways Code is amended to read:

253.8. The California freeway and expressway system shall also include:

Route 227 from Route 1 south of Oceano to Route 101 near Arroyo Grande.

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas.

Route 395 from:

(a) Route 15 near Cajon Pass to the Nevada state line.

(b) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(c) Route 36 near Termo to the Oregon state line.

Route 480 from Route 280 near Harrison Street in San Francisco to Bay Street and The Embarcadero.

SEC. 7. Section 263.1 of the Streets and Highways Code is amended to read:

263.1. The state scenic highway system shall include:

Routes 25, 28, 35, 38, 52, 53, 62, 74, 76, 89, 96, 97, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 243, 247, 330, 480, and 580 in their entirety.

SEC. 9. Section 263.5 of the Streets and Highways Code is amended to read:

263.5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

Route 78 from Route 79 near Santa Ysabel to Route 86 passing near Julian.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 61 in

Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from:

(a) Route 49 near Jackson to Route 89 near Picketts.

(b) Route 89 near Woodfords to the Nevada state line.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

SEC. 10. Section 263.7 of the Streets and Highways Code is amended to read:

263.7. The state scenic highway system shall also include:

Route 138 from:

(a) Route 2 near Wrightwood to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Mt. Anderson.

Route 139 from Route 299 near Canby to the Oregon state line near Hatfield.

Route 140 from Route 49 near Mariposa to Yosemite National Park near El Portal.

Route 146 from Pinnacles National Monument to Route 25 in Bear Valley.

Route 152 from Route 1 to the Santa Clara county line at Hecker Pass and from Route 156 near San Felipe to Route 5.

Route 160 from Route 84 near Rio Vista to Sacramento.

Route 163 from Ash Street in San Diego to Route 8.

Route 166 from Route 101 near Santa Maria to Route 33 in Cuyama Valley.

Route 168 from:

(a) Route 65 near Clovis to Huntington Lake.

(b) Camp Sabrina to Route 395.

(c) Big Pine to the Nevada state line via Oasis.

Route 178 from the east boundary of Death Valley National Monument to Route 127 near Shoshone.

Route 180 from:

(a) Route 156 near Hollister to Route 25 near Paicines.

(b) Route 65 near Minkler to General Grant Grove section of Kings Canyon National Park.

(c) General Grant Grove section of Kings Canyon National Park to Kings River Canyon.

Route 190 from Route 65 near Porterville to Route 127 near Death Valley Junction.

SEC. 11. Section 308 of the Streets and Highways Code is amended to read:

308. Route 8 is from:

(a) Sunset Cliffs Boulevard to Route 5 in San Diego.

(b) Route 5 in San Diego to Yuma via El Centro.

SEC. 11.5. Section 308.1 is added to the Streets and Highways Code, to read:

308.1. The state scenic highway system shall include that portion of Route 8 from Sunset Cliffs Boulevard to Route 5 in San Diego.

SEC. 12. Section 330 of the Streets and Highways Code is amended to read:

330. Route 30 is from Route 210 near San Dimas via the vicinity of Highland to Route 10 near Redlands.

SEC. 12.5. Section 330.1 is added to the Streets and Highways Code, to read:

330.1. Notwithstanding Section 263.3, the state scenic highway system shall include that portion of Route 30 from Route 330 near Highland to Route 10 near Redlands.

SEC. 13. Section 332 of the Streets and Highways Code is amended to read:

332. Route 32 is from:

(a) Route 5 near Orland to Route 99 near Chico.

(b) Route 99 near Chico to Route 36 near Deer Creek Meadows.

SEC. 14. Section 333 of the Streets and Highways Code is amended to read:

333. Route 33 is from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 5 near Oilfields via the vicinity of Cuyama Valley and Maricopa and via Coalinga.

(c) Route 5 to Route 152 via the vicinity of Mendota.

(d) Route 152 west of Los Banos to Route 5 near Santa Nella.

(e) Route 5 near Santa Nella to Route 140.

(f) Route 140 to Route 5 near Vernalis.

(g) Route 5 near Vernalis to Route 205 near Tracy.

The portion of this route described in subdivision (g) shall cease to be a state highway when Route 5 Freeway is constructed from Route 33 near Vernalis to Route 205.

SEC. 15. Section 369 of the Streets and Highways Code is repealed.

SEC. 16. Section 378 of the Streets and Highways Code is amended to read:

378. Route 78 is from:

(a) Route 5 near Ocean side to Route 15 near Escondido.

(b) Route 15 near Escondido to Route 86 passing near Ramona, Santa Ysabel, and Julian.

(c) Route 86 near Brawley to Route 10 near Blythe.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the construction of the unconstructed portion of said route described in subdivision (c) between the easterly junction of Route 115 and the Imperial-Riverside county line with the lowest practical cost for a hard-surfaced road and as an interim project pending the later construction of the route to proper limited access standards. The

road shall be known and designated as the "Ben Hulse Highway."

SEC. 17. Section 398 of the Streets and Highways Code is amended to read:

398. Route 98 is from Route 8 near Coyote Wells to Route 8 via Calexico.

SEC. 18. Section 406 of the Streets and Highways Code is repealed.

SEC. 19. Section 409 of the Streets and Highways Code is repealed.

SEC. 20. Section 411 of the Streets and Highways Code is amended to read:

411. Route 111 is from:

(a) The international boundary south of Calexico to Route 78 near Brawley passing east of Heber.

(b) Route 78 near Brawley to Route 86 near Mecca via the north shore of the Salton Sea.

(c) Route 10 near Indio to Route 10 near White Water passing near Palm Desert.

SEC. 21. Section 417 is added to the Streets and Highways Code, to read:

417. Route 117 is from the international boundary near Borderfield northeasterly to Route 5.

SEC. 22. Section 422 of the Streets and Highways Code is amended to read:

422. Route 122 is from:

(a) Route 14 south of Palmdale to Route 138.

(b) Route 138 northeasterly to Route 58.

SEC. 23. Section 425 of the Streets and Highways Code is amended to read:

425. Route 125 is from:

(a) The international boundary southerly of Brown Field to Route 54.

(b) Route 54 to Route 94 near La Mesa.

(c) Route 94 near La Mesa to Route 56.

SEC. 24. Section 442 of the Streets and Highways Code is amended to read:

442. Route 142 is from:

(a) Route 90 near Brea to Route 71 near Chino.

(b) Route 71 near Chino to Route 30 near Upland.

SEC. 25. Section 457 of the Streets and Highways Code is amended to read:

457. Route 157 is from Route 805 near San Diego to Route 125 near Sweetwater Reservoir.

SEC. 26. Section 462 of the Streets and Highways Code is amended to read:

462. Route 162 is from:

(a) Route 101 near Longvale to Route 5 near Willows via the vicinity of Covelo and Mendocino Pass.

(b) Route 5 near Willows to Route 45.

- (c) Route 45 to Route 99 near Biggs.
- (d) Route 99 near Richvale to Route 70 near Oroville.
- (e) Route 70 near Oroville to Foreman Creek Road via the Bidwell Bar Bridge.

SEC. 27. Section 474 of the Streets and Highways Code is amended to read:

474. Route 174 is from Route 80 near Colfax to Route 20 near Grass Valley.

SEC. 28. Section 477 is added to the Streets and Highways Code, to read:

477. Route 177 is from Route 10 near Desert Center to Route 62 near Granite Pass.

SEC. 29. Section 486 is added to the Streets and Highways Code, to read:

486. Route 186 is from the international boundary near Algodones to Route 8.

SEC. 30. Section 488 is added to the Streets and Highways Code, to read:

488. Route 188 is from the international boundary near Tecate to Route 94.

SEC. 31. Section 493 of the Streets and Highways Code is amended to read:

493. Route 193 is from:

(a) Route 65 near Lincoln to Route 80 near Newcastle.

(b) Route 49 near Cool to Route 50 near Placerville via Georgetown.

SEC. 32. Section 495 of the Streets and Highways Code is amended to read:

495. Route 195 is from Route 86 near Oasis to Route 111 near Mecca via Pierce Street and Avenue 66.

This route shall cease to be a state highway when Route 86 Freeway is constructed from near Oasis to Route 10.

SEC. 33. Section 501 of the Streets and Highways Code is amended to read:

501. Route 201 is from:

(a) Route 99 near Kingsburg easterly to Route 63.

(b) Route 63 easterly to Route 245.

SEC. 34. Section 507 of the Streets and Highways Code is repealed.

SEC. 35. Section 531 of the Streets and Highways Code is repealed.

SEC. 36. Section 541 of the Streets and Highways Code is repealed.

SEC. 37. Section 545 is added to the Streets and Highways Code, to read:

545. Route 245 is from Route 198 to Route 180 near the General Grant Grove section of Kings Canyon National Park.

SEC. 38. Section 561 of the Streets and Highways Code is repealed.

SEC. 39. Section 563 of the Streets and Highways Code is amended to read:

563. Route 263 is from Route 5 near the north city limits of Yreka northeasterly to Route 96 near the confluence of the Shasta and Klamath Rivers.

SEC. 40. Section 575 of the Streets and Highways Code is amended to read:

575. Route 275 is from Route 80 near Westacre Road west of Sacramento to the junction of Capitol Avenue and Ninth Street in Sacramento.

No funds in the State Highway Account shall be used for the construction or maintenance of any further aesthetic improvements on that portion of the route in the City of Sacramento.

SEC. 41. Section 582 of the Streets and Highways Code is amended to read:

582. Route 282 is from Orange Avenue to the Naval Air Station at North Island in Coronado.

SEC. 42. Section 630 is added to the Streets and Highways Code, to read:

630. Route 330 is from Route 30 near Highland northeasterly to Route 18.

CHAPTER 1217

An act to amend Section 1033 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1033 of the Insurance Code is amended to read:

1033. Claims allowed in a proceeding under this article shall be given preference in the following order:

1. Expense of administration.
2. Unpaid charges due under the provisions of Section 736.
3. Taxes due to the State of California.
4. Claims having preference by the laws of the United States and by laws of this state.
5. All claims of the California Insurance Guarantee Association, together with claims for refund of unearned premiums on the classes of insurance covered by the California Insurance Guarantee Association specified in subdivision (a) of Section 1063.
6. All other claims.

Upon the issuance of an order appointing a conservator or

liquidator for any person under the provisions of either Section 1011 or 1016 or both such sections, the lien of taxes due to the State of California imposed by Article 4 (commencing with Section 12491), Chapter 4, Part 7, Division 2 of the Revenue and Taxation Code shall become subordinate to the reasonable administrative expenses of the proceeding under said order.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A life insurer in California is presently in conservatorship as a result of its insolvency. It is contemplated that such insurer will be placed in liquidation. Under the statutes as presently constituted, all return premium claims have a priority over policyholder benefits. In order that claims for policyholder benefits have equal status with return premium claims generally, it is necessary that this act go into effect immediately.

CHAPTER 1218

An act to add Section 24053.8 to the Education Code, relating to the California State University and Colleges.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 24053.8 is added to the Education Code, to read:

24053.8. Notwithstanding any other provision of law, obligations may be incurred for the summer quarter operation in the California State University and Colleges at campuses on year-round operations, subsequent to enactment of a Budget Act and prior to July 1, payable from the appropriations contained in such Budget Act for such purposes. Such obligations and the payment thereof shall be subject to Section 24053.1.

CHAPTER 1219

An act to amend Section 6424 of, and to add Section 6423 to, the Labor Code, relating to trenches and excavations.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6423 is added to the Labor Code, to read:

6423. Whenever the state, a county, city and county, or city issues a call for bids for the construction of a pipeline, sewer, sewage disposal system, boring and jacking pits, or similar trenches or open excavations, which are five feet or deeper, such call shall specify that each bid submitted in response thereto shall contain, as a bid item, adequate sheeting, shoring, and bracing, or equivalent method, for the protection of life or limb, which shall conform to applicable safety orders. Nothing in this section shall be construed to impose tort liability on the body awarding the contract or any of its employees. This section shall not apply to contracts awarded pursuant to the provisions of Chapter 3 (commencing with Section 14250) of Part 5 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 6424 of the Labor Code is amended to read:

6424. When the State of California, a county, city and county, or city requires the issuance of a permit as a condition precedent to the construction of a pipeline, sewer, private sewage disposal system, boring and jacking pits, or similar trenches, or open excavations which are five feet or deeper, and the entity issuing the permit conducts onsite inspections during construction of such trenches or excavations, such entity issuing the permit shall submit to each applicant for such permit in writing the division's safety orders relating to trenches and excavations for the purpose of informing the applicant of his responsibility to provide adequate sheeting, shoring, and bracing for the protection of life or limb.

Where the state, county, city and county, or city requires a permit for construction of such a trench or excavation five feet or deeper, but where no inspection with respect to construction of trenches or excavations is provided for by the entity requiring the permit, or where the state, county, city and county, or city does not require a permit for such construction, the employer who plans to construct a trench or excavation five feet or deeper shall, prior to beginning construction, obtain from the division a permit authorizing such construction. Where a project involves several trenches or excavations, only one permit shall be required for all such trenches and excavations. The application for a permit shall contain such information as the division may deem necessary to evaluate the safety of the proposed construction. The division shall set a fee to be charged for such permits in an amount reasonably necessary to cover the costs involved in investigating and issuing such permit.

The division shall attach to each such permit issued by it a copy of the division's safety orders relating to excavations and trenches.

The provisions of this section shall not be applicable to the State of California, a city, city and county, county, district, or public utility subject to the jurisdiction of the Public Utilities Commission, or to any employer who has entered a public works contract with and is subject to regulations (other than the regulations specified by this section) of the State of California, a city, city and county, county, or district which require a permit and provide for inspections with

respect to construction of a trench or excavation, or to the construction of trenches or excavations for the purpose of performing emergency repair work to underground facilities, or the construction of swimming pools, or the construction of "graves" as defined in Section 7014 of the Health and Safety Code, or to the construction or final use of excavations or trenches where the construction or final use does not require a person to descend into the excavations or trenches.

CHAPTER 1220

An act to amend and renumber Section 5620 of the Welfare and Institutions Code, as added by Chapter 1609 of the Statutes of 1971, relating to mental health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5620 of the Welfare and Institutions Code, as added by Chapter 1609 of the Statutes of 1971, is amended and renumbered to read:

5622. Prior to the release from a community treatment facility or state hospital of a voluntary or involuntary patient who has been treated therein pursuant to a county Short-Doyle plan, the local mental health director of the patient's county of residence shall provide a written plan for such aftercare services as the patient may need and agree to, upon release from the community treatment facility or state hospital. The local mental health director may request the community treatment facility or state hospital to prepare such a written plan.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to insure that patients in community treatment facilities receive, as soon as possible, the improved quality of continuing care resulting from the required submission of aftercare plans, it is necessary that this act take effect immediately.

CHAPTER 1221

An act to amend Sections 2 and 5 of Chapter 1384 of the Statutes of 1970, relating to employment problems of parolees.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1384 of the Statutes of 1970 is amended to read:

Sec. 2. (a) The Department of Corrections shall undertake a pilot study on the operational usefulness and efficiency of employing a computer to match job offers by interested employers with parolees, or prisoners with parole dates, having the skills necessary to perform the job, and shall determine the employment patterns and problems of parolees in and returning to Parole Region III, the greater Los Angeles area, as determined by the department.

(b) The Department of Corrections shall submit a report to the Legislature not later than the 30th legislative day of the 1973 Regular Session. The report shall contain the following information: (1) the operational usefulness and efficiency of employing computers to match job offers by interested employers with parolees having the vocational skills necessary to perform the job, (2) any changes in the patterns of postrelease employment and recidivism by parolees after the implementation of this program, and (3) the cooperative efforts between governmental agencies in solving the problem which is the subject of the study, including, but not limited to, the cooperative efforts between the Department of Corrections and the Department of Human Resources Development.

SEC. 2. Section 5 of Chapter 1384 of the Statutes of 1970 is amended to read:

Sec. 5. This act shall remain in effect until the 61st day after the final adjournment of the 1973 Regular Session of the Legislature. Thereafter, this act shall have no force or effect and shall be repealed.

CHAPTER 1222

An act to amend Section 5096.26 of, to add Section 5099.35 to, and to add Chapter 1.8 (commencing with Section 5098) to Division 5 of, the Public Resources Code, relating to parks and recreation.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5096.26 of the Public Resources Code is amended to read:

5096.26. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance.

SEC. 2. Chapter 1.8 (commencing with Section 5098) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.8. PARK AND RECREATION REVOLVING ACCOUNT

5098. As used in this chapter, "account" means the Park and Recreation Revolving Account in the General Fund.

5098.1. There is in the General Fund in the State Treasury the Park and Recreation Revolving Account. All federal grants which result from the expenditure of state funds for Department of Parks and Recreation acquisition and development projects shall be deposited in the account.

5098.2. Proposed expenditures by the department of account funds for acquisition and development projects, including associated appraising, design, planning, feasibility study, and environmental impact costs, shall be included as separate items in the Budget Bill for each fiscal year for consideration by the Legislature. Such appropriations shall be subject to all of the limitations contained in the Budget Bill and to all other fiscal procedures prescribed by law with respect to the expenditure of state funds.

5098.3. Except as provided in Section 5098.1, the management and disbursement of account moneys received pursuant to the "Land and Water Conservation Fund Act of 1965" (Public Law 88-578; 78 Stat. 897) are governed by the provisions of Chapter 1.9 (commencing with Section 5099) of this division.

SEC. 3. Section 5099.35 is added to the Public Resources Code, to read:

5099.35. The Legislature recognizes that it is the intended purpose of the Land and Water Conservation Fund Act of 1965, as expressed in such act, that such federal financial assistance as may be provided to the state pursuant to the act shall be in addition to, rather than as a substitute for, state and local outdoor recreation funds.

SEC. 4. On July 1, 1973, the unappropriated balance of funds in the State Beach, Park, Recreational, and Historical Facilities Fund which resulted from grants of federal funds, except those funds necessary for the administration of the Land and Water Conservation Fund grants-in-aid program, shall be transferred to the Park and Recreation Revolving Account in the General Fund on the order of the State Controller.

SEC. 5. Nothing in this act shall be construed as requiring reimbursed federal funds which result from the expenditure by local

public agencies of state funds administered by the Department of Parks and Recreation for outdoor recreation purposes to be deposited in the Park and Recreation Revolving Account in the General Fund.

CHAPTER 1223

An act to amend Sections 74191, 74192, 74193, 74194, and 74195 of the Government Code, relating to courts.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 74191 of the Government Code is amended to read:

74191. There shall be 13 judges.

SEC. 2. Section 74192 of the Government Code is amended to read:

74192. (a) There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a biweekly salary at a rate specified in Schedule 81 of Section 74196. Appointment to such position shall be at step C of such schedule. The position of clerk and administrator shall not be deemed to be a civil service position.

(b) There shall be one administrative assistant to the court who shall be appointed by the judges of the court and who shall hold office at their pleasure and perform such duties as may be required of him by the court or the judges. The administrative assistant to the court shall receive a biweekly salary at a rate specified in Schedule 64 of Section 74196. The position of administrative assistant to the court shall not be deemed to be a civil service position.

(c) There shall be one senior legal stenographer for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The senior legal stenographer for the court shall receive a biweekly salary at a rate specified in Schedule 48 of Section 74196.

(d) There shall be one senior clerk for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The senior clerk for the court shall receive a biweekly salary at a rate specified in Schedule 42 of Section 74196.

(e) There shall be one typist-clerk II for the court who shall be appointed by the judges of the court and who shall perform such duties as may be required of him by the court or the judges. The typist-clerk II for the court shall receive a salary at a rate specified

in Schedule 34 of Section 74196.

SEC. 3. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One assistant clerk, who shall receive a biweekly salary at a rate specified in Schedule 68 of Section 74196.

(b) Two deputy clerks, who shall be principal deputy clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 61 of Section 74196.

(c) One deputy clerk, who shall be a senior legal stenographer, who shall receive a biweekly salary at a rate specified in Schedule 48 of Section 74196.

(d) Eighteen deputy clerks, who shall be court clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 59 of Section 74196.

(e) Two deputy clerks, who shall be deputy clerks III, each of whom shall receive a biweekly salary at a rate specified in Schedule 47 of Section 74196.

(f) Five deputy clerks, who shall be deputy clerks II, each of whom shall receive a biweekly salary at a rate specified in Schedule 41 of Section 74196.

(g) Twenty-four deputy clerks who shall be typist-clerks II, each of whom shall receive a biweekly salary at a rate specified in Schedule 34 of Section 74196.

(h) Eighteen deputy clerks, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 42 of Section 74196.

(i) Six deputy clerks, who shall be associate deputy clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 36 of Section 74196.

(j) Twelve deputy clerks, who shall be cashier-clerks, each of whom shall receive a biweekly salary at a rate specified in Schedule 37 of Section 74196.

(k) One deputy clerk, who shall be an accountant II, who shall receive a biweekly salary at a rate specified in Schedule 60 of Section 74196.

(l) Four deputy clerks, who shall be account clerks II, each of whom shall receive a biweekly salary at a rate specified in Schedule 42 of Section 74196.

(m) Two deputy clerks, who shall be an account clerk I, who shall receive a biweekly salary at a rate specified in Schedule 35 of Section 74196.

(n) One deputy clerk, who shall be a data processing technician III, who shall receive a biweekly salary at a rate specified in Schedule 52 of Section 74196.

(o) One deputy clerk, who shall be a data processing technician I, who shall receive a biweekly salary at a rate specified in Schedule 40 of Section 74196.

(p) One deputy clerk, who shall be a keypunch supervisor, who

shall receive a biweekly salary at a rate specified in Schedule 42 of Section 74196.

(q) Ten deputy clerks, who shall be keypunch operators, each of whom shall receive a biweekly salary at a rate specified in Schedule 36 of Section 74196.

SEC. 4. Section 74194 of the Government Code is amended to read:

74194. There shall be one marshal, Sacramento County, who shall be appointed by the judges of the court, and who shall receive a biweekly salary at a rate specified in range 79 of Section 74196. Initial appointments will be in step C of that range. The position of marshal shall not be deemed to be a civil service position.

SEC. 5. Section 74195 of the Government Code is amended to read:

74195. The marshal shall appoint:

(a) One assistant marshal, who shall receive a biweekly salary at a rate specified in range 69 of Section 74196.

(b) One deputy marshal, who shall be a senior marshal's sergeant, who shall receive a biweekly salary at a rate specified in range 65 of Section 74196.

(c) Nine deputy marshals, who shall be marshal's sergeants, each of whom shall receive a biweekly salary at a rate specified in range 61 of Section 74196.

(d) Seventeen deputy marshals, who shall be bailiffs, each of whom shall receive a biweekly salary at a rate specified in range 57 of Section 74196.

(e) One deputy marshal, who shall be a principal deputy clerk, who shall receive a biweekly salary at a rate specified in range 61 of Section 74196.

(f) One typist-clerk III, who shall receive a biweekly salary at a rate specified in range 42 of Section 74196.

(g) Three deputy marshals, who shall be senior deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 42 of Section 74196.

(h) One deputy marshal, who shall be an account clerk II, who shall receive a biweekly salary at a rate specified in range 42 of Section 74196.

(i) One deputy marshal, who shall be an account clerk I, who shall receive a biweekly salary at a rate specified in range 35 of Section 74196.

(j) Five deputy marshals, who shall be associate deputy clerks, each of whom shall receive a biweekly salary at a rate specified in range 36 in Section 74196.

(k) One deputy marshal, who shall be a deputy clerk III, who shall receive a biweekly salary at a rate specified in range 47 of Section 74196.

(l) Two deputy marshals, who shall be deputy clerks II, each of whom shall receive a biweekly salary at a rate specified in range 39 of Section 74196.

The assistant marshal and all deputy marshals listed in subdivisions (a) to (d), inclusive, are authorized incentive pay in addition to the above rates as follows: one range higher than prescribed in this section when in possession of an intermediate peace officers standards and training certificate or two ranges higher than prescribed in this section when in possession of an advanced peace officers standards and training certificate; an additional one range higher than prescribed in this section when in possession of an associate of arts degree or two ranges higher than prescribed in this section when in possession of a bachelor of arts degree. A maximum of four additional ranges are authorized for all types of incentive pay. All deputy marshals listed in subdivisions (g) through (j) above, inclusive, are authorized a two-range salary differential in addition to the rates indicated for serving as matrons. All classifications indicated in subdivisions (k) and (l) above, inclusive, are holding classifications to be replaced by classifications indicated by subdivisions (g), (i), or (j), as applicable, when incumbents leave the positions.

CHAPTER 1224

An act to amend Sections 17921, 17922, 17925, 17930, 17952, 17958, and 17958.7, and to repeal Section 17922.5 of the Health and Safety Code, relating to housing.

[Approved by Governor December 11, 1972 Filed with
Secretary of State December 11, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 17921 of the Health and Safety Code is amended to read:

17921. The commission shall adopt, amend, repeal, and, except as hereinafter provided, the department shall enforce rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, apartment houses, and dwellings, and buildings and structures accessory thereto. Such rules and regulations may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

SEC. 2. Section 17922 of the Health and Safety Code is amended to read:

17922. Except as otherwise specifically provided by law, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall impose the same requirements as are

contained in the Uniform Housing Code, 1970 edition, the Uniform Building Code, 1970 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1970 edition, as adopted by the International Association of Plumbing and Mechanical Officials, the Uniform Mechanical Code, 1970 edition, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, and the National Electrical Code, 1971 edition, as adopted by the National Fire Protection Association. In promulgating regulations the commission shall consider local conditions and any amendments to the uniform codes referred to in this section.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

SEC. 3. Section 17922.5 of the Health and Safety Code is repealed.

SEC. 4. Section 17925 of the Health and Safety Code is amended to read:

17925. Any person, firm, corporation, or governmental agency that opposes the application of any rule or regulation adopted by the commission within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the rule or regulation to be applied in the local area, the rule or regulation shall have no application within such local area. A copy of the determination of the local appeals board, together with a report of the local conditions upon which the determination is based, shall be filed with the department, pursuant to Section 17958.7.

SEC. 5. Section 17930 of the Health and Safety Code is amended to read:

17930. The commission shall hear appeals brought by any person as to the application of any rule or regulation of the commission, promulgated pursuant to this part, to such person under any facts and circumstances presented to the commission by such person alleging that the application or enforcement of any such rule or regulation by the department under such facts and circumstances is an erroneous or unlawful application or enforcement of such rule or regulation by the department. Any such appeal shall be submitted through the designated local agency.

The commission shall not, however, hear any appeals regarding local regulations which have been adopted pursuant to Sections 17958.5 and 17958.7.

SEC. 6. Section 17952 of the Health and Safety Code is amended to read:

17952. In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto, such provisions or rules and regulations shall be enforced by the department in any such city or county after the department has given written notice to

the governing body of such city or county of a violation of this part or the rules or regulations promulgated thereunder and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice. The city or county may request a hearing before the commission pursuant to Section 17930 within said 30 days to show cause for nonenforcement. Enforcement by the department shall not be initiated until the decision of the commission, adverse to the city or county, is rendered.

SEC. 7. Section 17958 of the Health and Safety Code is amended to read:

17958. The governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted pursuant to Section 17922 within one year after November 23, 1970. If any city or county does not adopt such ordinances or regulations, the provisions of this part and the rules and regulations promulgated thereunder shall be applicable within one year after November 23, 1970.

After the effective date of the amendments to this section enacted at the 1972 Regular Session, any city or county shall have one year from the effective date of any changes in the regulations thereafter adopted pursuant to Section 17922 in which to amend, add, or repeal ordinances or regulations to impose the same requirements as are contained in the regulations adopted pursuant to Section 17922. If any city or county does not amend, add, or repeal ordinances or regulations to impose such requirements by such time, the regulations promulgated pursuant to Section 17922 shall be applicable to it.

SEC. 8. Section 17958.7 of the Health and Safety Code is amended to read:

17958.7. The governing body of a city or county before making any modifications or changes pursuant to Section 17958.5 shall make an express finding that such modifications or changes are needed. Such a finding shall be available as a public record and a copy, together with the modification or change, filed with the department. Nothing contained in this part shall be construed to require the governing body of any city or county to alter in any way building regulations enacted on or before November 23, 1970.

CHAPTER 1225

An act to amend Sections 667 and 2205 of, and to add Chapter 7.5 (commencing with Section 2650) to, Division 2 of the Public Resources Code, relating to mining.

[Approved by Governor December 11, 1972. Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 667 of the Public Resources Code is amended to read:

667. The board shall represent the state's interest in the development, utilization and conservation of the mineral resources of the state, in accord with the mining and mineral policy of the state as set forth in Section 2650, and in the development, collection, collation and dissemination of geological information necessary to the understanding and utilization of the state's terrain, and information pertaining to earthquake and other geologic hazards. It may establish policies conforming to the provisions of state statutes to govern the administration of the Division of Mines and Geology.

SEC. 2. Section 2205 of the Public Resources Code is amended to read:

2205. The State Geologist may:

(a) Make, facilitate, and encourage special studies of the mineral resources, mineral industries, and geology of the state.

(b) Collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use.

(c) Make a collection of typical geological and mineralogical specimens, especially those of economic and commercial importance, such collection constituting the museum of the division.

(d) Provide a library of books, reports, and drawings bearing upon the mineral industries, the sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the library of the division.

(e) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes and geology.

(f) Preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours.

(g) Maintain, in effect, a bureau of information concerning the mineral industries of this state, to consist of such collections and library, and arrange, classify, catalog, and index the data therein contained in a manner to make the information available to those desiring it.

(h) Conduct, with city and county governments or federal agencies, large-scale geological investigations to identify and provide timely delineation of geological hazards in and adjacent to metropolitan areas, and to identify and delineate deposits of mineral raw materials in order to prevent their loss to urban encroachment and to assist in their ultimate utilization; and enter into, as the need arises, cooperative agreements, for geological or mineral industry investigations, with cities, cities and counties, counties, federal agencies, and universities, which may provide for cost-sharing or cooperative funding.

(i) Maintain a laboratory to provide support to the division staff and to conduct such other investigations in the line of physical and chemical testing and analysis and mineral identification as may be required in the execution of the plans and operations of the division under this chapter.

(j) Issue from time to time such reports and maps as he may deem advisable concerning the geology of this state and the statistics and technology of the mineral industries of this state, including results of investigations in mineral resources conservation practices, the use and recycling of scrap mineral products, the control, disposal, reclamation, and utilization of mining and mineral processing waste products, and the reclamation of mined lands.

(k) Conduct, with cities or counties, other state agencies, universities, federal agencies, or private industry, investigations in mining and metallurgy, including the use and recycling of scrap mineral products, and land use practices as these apply to mineral resources conservation, and enter into, as the need arises, cooperative or contractual agreements for such investigations which may provide for cost-sharing or cooperative funding.

(l) Conduct, with cities and counties, other state agencies, universities, federal agencies, or private industry, investigations in the study and development of methods for the control, disposal, reclamation, and utilization of mining and mineral processing waste products and the reclamation of mined lands, and enter into, as the need arises, cooperative or contractual agreements for such investigations, which may provide for cost-sharing or cooperative funding.

SEC. 3. Chapter 7.5 (commencing with Section 2650) is added to Division 2 of the Public Resources Code, to read:

CHAPTER 7.5. STATE MINING AND MINERALS POLICY

2650. It is the continuing policy of the State of California, in the interest of the needs of society for the wise use of mineral resources and for other sound conservation practices, to foster and encourage private enterprise in all of the following activities:

(a) The development within the state of economically sound and beneficial mineral industries and metal and mineral product reclamation industries.

(b) The orderly and economic exploration, development, and utilization of the state's mineral resources and reclamation of metal and mineral products.

(c) Mining, mineral, and metallurgical research to promote the wise and efficient use of natural and reclaimable mineral resources.

(d) The study and development of methods for the control, disposal, reclamation, and utilization of mining and mineral processing waste products and the reclamation of mined lands so as to minimize any adverse effects of mineral extraction and processing upon the physical environment.

It shall be the responsibility of the State Geologist to carry out policy set forth in this section. For this purpose, the State Geologist may include in his annual report to the Director of Conservation recommendations for such items of legislation as may be necessary to implement such policy.

SEC. 4. No provision of this act is intended in any way to affect the authority of the State Solid Waste Management Board or the State Solid Waste Management and Resource Recovery Advisory Council proposed to be created under the provisions of Senate Bill No. 5 of the 1972 Regular Session or to vest any authority in the State Geologist to regulate solid waste disposal.

CHAPTER 1226

An act to repeal Section 13107 of, and to add Section 13107 to, the Health and Safety Code, relating to fires.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13107 of the Health and Safety Code is repealed.

SEC. 2. Section 13107 is added to the Health and Safety Code, to read:

13107. (a) The State Fire Marshal shall investigate every explosion or fire occurring in those areas of the state not under the jurisdiction of a legally organized fire department or fire protection district or other public entity, including, but not limited to, the state, which provides fire protection in which there is suspicion that the crime of arson or attempted arson has been committed.

(b) Upon request of the chief fire official of a legally organized fire department, or the governing body thereof, the State Fire Marshal shall, within the limitation of resources and manpower established for such purposes, investigate any explosion or fire occurring within the jurisdiction of the fire department or fire protection district in which there is suspicion that the crime of arson or attempted arson has been committed.

(c) The State Fire Marshal shall cooperate in the establishment of a program for training fire department personnel in arson investigation and detection.

(d) In order to carry out his responsibilities and duties pursuant to this section, the State Fire Marshal shall establish an arson investigation unit within his office, which shall be staffed with necessary personnel to perform the function for which the unit is established.

(e) If there is reason to believe that any fire or explosion

investigated by the State Fire Marshal resulted from a crime or that a crime has been committed in connection with it, the State Fire Marshal shall report that fact in writing to the district attorney of the county in which the fire or explosion occurred.

SEC. 3. It is the intention of the Legislature in enacting Section 13107 of the Health and Safety Code to establish a specialized unit within the office of the State Fire Marshal to provide assistance to fire officials and law enforcement officials in the investigation of the crime of arson throughout the state. It is not the intention of the Legislature to replace or duplicate any existing state or local services. It is anticipated that the State Fire Marshal will utilize all available resources, including, but not limited to, securing monetary grants to offset program costs and cooperative agreements with other state and local agencies, to carry out the intention of Section 13107 of the Health and Safety Code.

CHAPTER 1227

An act to add Section 74343.4 to the Government Code, relating to courts.

[Approved by Governor December 11, 1972. Filed with Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 74343.4 is added to the Government Code, to read:

74343.4. (a) The traffic referee shall receive a salary equal to 60 percent of the salary of a judge of the municipal court. He shall, after each year of service, receive an increase of 5 percent of the salary of a judge of the municipal court but in no event shall he receive more than 65 percent of the salary of a judge of the municipal court.

(b) The commissioner shall receive a salary equal to 60 percent of the salary of a judge of the municipal court. He shall, after each year of service, receive an increase of 5 percent of the salary of a judge of the municipal court but in no event shall he receive more than 65 percent of the salary of a judge of the municipal court.

CHAPTER 1228

An act to add Sections 18107 and 20108 to, and to repeal Section 18107 and 20108 of, the Government Code, and to add Sections 5119, 5664, 5755.5 and 5755.6 to, and to repeal Sections 5119, 5664, 5755.5 and 5755.6 of, the Welfare and Institutions Code, and to repeal Section 7 of Chapter 923 of the Statutes of 1972, relating to mental health, making an appropriation therefor, and declaring the

urgency thereof, to take effect immediately.

[Approved by Governor December 11, 1972 Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18107 of the Government Code, as added by Chapter 923 of the Statutes of 1972, is repealed.

SEC. 2. Section 18107 is added to the Government Code, to read:
18107. Any employee of the State Department of Mental Hygiene transferred on and after July 1, 1972, to county or local mental health programs as a result of state hospital closures or scheduled state hospital closures or as a result of a county undertaking the performance of mental health functions previously performed by the department shall be entitled while employed in a county or local mental health program, to use for a period of five years following transfer any unused sick leave balance the employee had accumulated while in state employment and had remaining to his credit at the time of termination of state employment. Such sick leave shall be held in a reserve account by the state to be used, if necessary, only at such time as the transferred employee's sick leave benefits accrued as a county employee become exhausted. When county sick leave benefits are exhausted such employee shall be entitled to utilize his state reserve account sick leave, until exhausted. The state reserve account for sick leave shall be administered according to the sick leave provisions of Division 5 (commencing with Section 18000) of Title 2 and corresponding State Personnel Board rules. Upon reemployment with the state, a transferred employee's sick leave credits will be reduced by the number of hours used from the state reserve during his employment in the county or local mental health program. The cost of preserving and paying for the state reserve account sick leave shall be totally funded by the state.

SEC. 3. Section 20108 of the Government Code, as added by Chapter 923 of the Statutes of 1972, is repealed.

SEC. 4. Section 20108 is added to the Government Code, to read:
20108. To the extent possible, the board shall resolve conflicts between retirement systems applicable to state hospital employees transferred to county or local mental health programs as a result of state hospital closures or scheduled state hospital closures.

SEC. 5. Section 5119 of the Welfare and Institutions Code, as amended by Chapter 923 of the Statutes of 1972, is repealed.

SEC. 6. Section 5119 is added to the Welfare and Institutions Code, to read:

5119. On and after July 1, 1972, when a person who is an employee of the Department of Mental Hygiene at the time of employment by a county in a county mental health program or on and after July 1, 1972, when a person has been an employee of the Department of

Mental Hygiene within the 12-month period prior to his employment by a county in a county mental health program, the board of supervisors may, to the extent feasible, allow such person to retain as a county employee, those employee benefits to which he was entitled or had accumulated as an employee of the Department of Mental Hygiene or provide such employee with comparable benefits provided for other county employees whose service as county employees is equal to the state service of the former employee of the Department of Mental Hygiene. Such benefits include, but are not limited to, retirement benefits, seniority rights under civil service, accumulated vacation and sick leave.

The county may on and after July 1, 1972, establish retraining programs for the State Department of Mental Hygiene employees transferring to county mental health programs provided such programs are financed entirely with state and federal funds made available for that purpose.

SEC. 7. Section 5664 of the Welfare and Institutions Code, as added by Chapter 923 of the Statutes of 1972, is repealed.

SEC. 8. Section 5664 is added to the Welfare and Institutions Code, to read:

5664. Each county Short-Doyle plan adopted for the 1973-74 fiscal year and each fiscal year thereafter for a county or counties in which a state hospital is scheduled to be closed shall contain a complete program, to be developed jointly by the State Department of Mental Hygiene and the county, for absorbing as many of the staff of such hospital into the local mental health programs as may be needed by the county. Such programs shall include a redefinition of occupational positions, if necessary, and a recognition by the counties of licensed psychiatric technicians for treatment of the mentally disordered, mentally retarded, drug abusers, and alcoholics.

SEC. 9. Section 5755.5 of the Welfare and Institutions Code, as added by Chapter 923 of the Statutes of 1972, is repealed.

SEC. 10. Section 5755.5 is added to the Welfare and Institutions Code, to read:

5755.5. The five-year state plan for community mental health services pursuant to Section 5755 shall include a detailed analysis of the alternatives being considered in terms of projected future hospital closures.

SEC. 11. Section 5755.6 of the Welfare and Institutions Code, as added by Chapter 923 of the Statutes of 1972, is repealed.

SEC. 12. Section 5755.6 is added to the Welfare and Institutions Code, to read:

5755.6. Beginning July 1, 1973, the State Department of Mental Hygiene shall notify the counties and the Legislature at least nine months in advance of planned state hospital closures. To the extent feasible, the full supporting details of any planned state hospital closures shall be included in the budget required by the State Constitution to be submitted by the Governor at each regular session of the Legislature for the 1973-74 fiscal year and each fiscal year thereafter.

SEC. 13. Section 7 of Chapter 923 of the Statutes of 1972 is repealed.

SEC. 14. There is hereby appropriated to the State Department of Mental Hygiene from the General Fund the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the purposes of funding county retraining programs established pursuant to Section 5119 of the Welfare and Institutions Code.

SEC. 15. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act retains certain sick leave and other benefits for employees of the Department of Mental Hygiene transferring to local or county mental health service as a result of state hospital closures and authorizes funds for county retraining programs. In order that such employees receive the benefits provided for in this act it is necessary that this legislation be given immediate effect.

CHAPTER 1229

An act to amend Section 72602 of the Government Code, relating to municipal courts.

[Approved by Governor December 11, 1972 Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	3
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	64
Santa Anita Municipal Court District	1
Alhambra Municipal Court District.....	3
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District.....	5

Beverly Hills Municipal Court District.....	3
Santa Monica Municipal Court District	3
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	3
Pomona Municipal Court District	3
South Gate Municipal Court District	1
Citrus Judicial District.....	4
Antelope Municipal Court District	1
Culver Municipal Court District	1
Newhall Municipal Court District	2

SEC. 2. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District.....	3
Inglewood Municipal Court District	3
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	64
Santa Anita Municipal Court District	1
Alhambra Municipal Court District.....	3
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District.....	5
Beverly Hills Municipal Court District.....	3
Santa Monica Municipal Court District	3
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	4
Pomona Municipal Court District	3
South Gate Municipal Court District	1
Citrus Judicial District.....	4
Antelope Municipal Court District	1
Culver Municipal Court District	1
Newhall Municipal Court District	2

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 735 are both chaptered and amend Section 72602 of the Government Code, and this bill is chaptered after Assembly Bill No. 735, that the amendments to Section 72602 proposed by both bills be

given effect and incorporated in Section 72602 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 735 are both chaptered, both amend Section 72602, and Assembly Bill No. 735 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1230

An act making an appropriation for property tax assistance in augmentation of Item 75, Budget Act of 1972.

[Approved by Governor December 11, 1972 Filed with
Secretary of State December 11, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The sum of six million dollars (\$6,000,000) is hereby appropriated for property tax assistance in augmentation of and upon the same terms and conditions as the appropriation made by Item 75, Budget Act of 1972.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1231

An act to add Section 458.5 to the Health and Safety Code, relating to pesticides.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 458.5 is added to the Health and Safety Code, to read:

458.5. (a) By the 10th of each month, a person engaged in the business of pest control under the authority of a license issued pursuant to Article 1 (commencing with Section 11701), Chapter 4, Division 6 of the Agricultural Code shall file a spray report with the county agricultural commissioner of each county in which such person has treated property during the previous month.

(b) The spray report shall include the name and address of such person and, for each property treated, the following information:

- (1) The name and address of the owner of the property treated.
- (2) The name and address of the owner of the crop treated.

- (3) The type of crop treated.
 - (4) The date, time, and method of treatment.
 - (5) The type, quantity, and concentration of each pesticide used in the treatment.
 - (6) The type of insect or pest to be controlled.
 - (7) The number of trees or acres treated.
 - (8) Any other information which the state department may deem necessary in view of conditions which may constitute a menace to life, health, or safety of individuals living or working in areas where pesticides are applied.
- (c) Spray reports filed pursuant to this section are public records which shall be made available by the county agricultural commissioners for public inspection.

CHAPTER 1232

An act to amend Sections 54784 and 66503 of to add Sections 65062 and 66180 to, to repeal Sections 65062, 65062.1, 65062.2, 66180, 66181, 66182, 66183, 66184, and 66185 of, to add Article 11 (commencing with Section 50270) to Chapter 1 of Part 1 of Division 1 of Title 5 of, the Government Code, and to add Sections 24351 and 24351.1 to, and to repeal Sections 24351, 24351.1, 24351.2, 24351.3, 24351.4, and 24351.5 of, of the Health and Safety Code, and to add Article 1 (commencing with Section 28700) to Chapter 3 of Part 2 of Division 10 of, and to repeal Article 1 (commencing with Section 28700) of Chapter 3 of Part 2 of Division 10 of, the Public Utilities Code, relating to city selection committees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 50270) is added to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 11. City Selection Committees

50270. In any county in which two or more cities are incorporated there is hereby created a city selection committee the purpose of which shall be to appoint city representatives to boards, commissions, and agencies as required by law. The membership of each such city selection committee shall consist of the mayor of each city within the county.

50271. When the mayor is unable to attend a meeting of a city selection committee, he shall designate another member of the city's

legislative body to attend and vote at the meeting in his place and as his representative.

50272. Representatives of a majority of the number of cities within a county entitled to representation on the city selection committee shall constitute a quorum of the committee. In order for a city selection committee to make appointments or in any other manner conduct business of the committee, a quorum of members present shall be necessary. Whenever a quorum is not present at a meeting of any city selection committee, the meeting shall be postponed or adjourned to a subsequent time and place, as determined by the chairman.

50273. In order to provide for initial organization of a city selection committee pursuant to this article, an organizational meeting of each committee shall be held within 60 days after the effective date of this article. The county clerk of each county shall act as temporary chairman of the city selection committee.

As temporary chairman of the city selection committee, the county clerk shall fix a time and place for the organizational meeting of the committee and shall give notice of such date and time to the mayor of each city incorporated within the county.

Each selection committee shall meet on the date and at the time designated by the county clerk. After the organizational meeting, a selection committee shall meet on such dates and at such times as it may determine or as are required by law.

50274. At the first organizational meeting of a city selection committee held pursuant to Section 50273, it shall select from among its members a permanent chairman and vice chairman, and such other officers as it deems necessary. The term of office of the chairman and vice chairman shall be two years. At least 60 days prior to the expiration of the term of office of the chairman and vice chairman, the city selection committee shall meet and select a successor to the chairman and to the vice chairman.

50275. In order to carry out the provisions and purposes of this article, a city selection committee shall formulate and adopt rules and regulations to govern the conduct of their meetings and the selection of city representatives. Such rules and regulations shall include, but not be limited to, the time and place of the committee's regular meetings, a procedure for nominating and selecting city representatives, and the manner in which voting by the city selection committee shall be conducted.

50276. The county clerk of each county shall act as the permanent secretary and recording officer of the city selection committee organized within such county. All meetings of a city selection committee shall be conducted in the presence of the county clerk of the county in which the committee is organized or his deputy. All votes and action taken by a city selection committee shall be recorded in writing by the secretary of the committee. The written record of any vote or action taken by the selection committee shall include the name of each member voting and how he voted. Written

records and minutes of a selection committee's secretary are public records.

50277. A city selection committee shall conduct regular meetings at the times specified by it in its rules and regulations, and shall also meet upon the call of its chairman. The chairman of a selection committee may call a special meeting of the committee at any time, and the chairman shall call a special meeting of the selection committee upon the written request of 50 percent of the members of the city selection committee. When a chairman is required to call a special meeting of a city selection committee pursuant to this section, such a meeting shall be called and held within 60 days after receipt of such written request. Within three weeks prior to the date fixed for a special meeting of the committee, the chairman of the committee shall notify the committee secretary of the date, time, and place of the special meeting.

50278. At least two weeks prior to the date of any meeting of a city selection committee, the secretary of the committee shall give notice of the meeting to each member of the committee. The secretary shall also give reasonable notice to each member of a selection committee of the time, date, and place to which a meeting of the committee is continued.

50279. Members of a city selection committee shall serve without compensation.

50280. Notwithstanding any other provision of this article, in any county in which there is only one incorporated city, the legislative body of such city is hereby created and shall serve as the city selection committee in the county for the purpose of appointing city representatives to boards, commissions and agencies as required by law.

A majority of the members of the legislative body of a city which is created as a city selection committee pursuant to this section shall constitute a quorum of the committee. In order for the city selection committee to make appointments, or in any other manner conduct business of the committee, a quorum shall be required.

The presiding officer of the legislative body of a city which is created as a city selection committee pursuant to this section, shall serve as chairman of the committee. The clerk of the legislative body shall act as permanent secretary and recording officer of the city selection committee and, as permanent secretary and recording officer, shall perform all the duties specified in Section 50276.

50281. Notwithstanding any other provision of this article, in any county in which city representatives are required to be appointed by a city selection committee to a regional coastal zone conservation commission pursuant to Division 18 (commencing with Section 27000) of the Public Resources Code, the city selection committee created in such county pursuant to this article shall make such appointments. Each such city selection committee shall hold an organizational meeting for such purposes prior to December 31, 1972.

SEC. 2. Section 54784 of the Government Code is amended to read:

54784. In each county containing two or more cities, regular and alternate city members to the commission shall be appointed by the city selection committee organized in the county pursuant to and in the manner provided in Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5. Regular members of the commission shall be appointed by such city selection committee pursuant to Section 54780.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself from participating in a meeting, or is automatically disqualified from participating therein pursuant to this section, the alternate member is authorized to serve and vote in his place for that meeting. When the commission is considering a proposal for the annexation of territory to a city of which one of the members of the commission is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place for such purpose.

SEC. 3. Section 65062 of the Government Code is repealed.

SEC. 4. Section 65062 is added to the Government Code, to read:

65062. The city selection committee organized in each county within a district pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 shall meet within 60 days after the date upon which the district becomes operative for the purpose of making the first appointments to the district board as prescribed in Sections 65063.1 and 65063.3. Succeeding appointments to the board shall be made by such city selection committees as required by this chapter.

SEC. 5. Section 65062.1 of the Government Code is repealed.

SEC. 6. Section 65062.2 of the Government Code is repealed.

SEC. 7. Section 66180 of the Government Code is repealed.

SEC. 8. Section 66180 is added to the Government Code, to read:

66180. The city selection committee organized in each county within a planning district pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, shall meet within 60 days after the date upon which the district becomes operative for purposes of making the first appointments to the board as prescribed in Sections 66201 and 66202. Succeeding appointments to the planning district board shall be made by such city selection committee as specified in this chapter.

SEC. 9. Section 66181 of the Government Code is repealed.

SEC. 10. Section 66182 of the Government Code is repealed.

SEC. 11. Section 66183 of the Government Code is repealed.

SEC. 12. Section 66184 of the Government Code is repealed.

SEC. 13. Section 66185 of the Government Code is repealed.

SEC. 14. Section 66503 of the Government Code is amended to read:

66503. The commission shall consist of 19 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, San Mateo, and Santa Clara. With respect to the members from San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the city selection committee organized in each county pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5, shall appoint one member and the board of supervisors shall appoint one member.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties. The mayors' selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary for Business and Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development, provided such representatives shall serve only if the agencies they represent are amenable to such appointments. These representatives shall be nonvoting members.

Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

SEC. 15. Section 24351 of the Health and Safety Code is repealed.

SEC. 16. Section 24351 is added to the Health and Safety Code, to read:

24351. The city selection committee organized in each county within the district pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code shall make the appointments to the district board when vacancies occur as prescribed in Section 24352.1.

SEC. 17. Section 24351.1 of the Health and Safety Code is repealed.

SEC. 18. Section 24351.1 is added to the Health and Safety Code, to read:

24351.1. With regard to the City and County of San Francisco, the mayor shall make appointments to the board. Any person so appointed shall be an elected official of the City and County of San Francisco.

SEC. 19. Section 24351.2 of the Health and Safety Code is repealed.

SEC. 20. Section 24351.3 of the Health and Safety Code is repealed.

SEC. 21. Section 24351.4 of the Health and Safety Code is repealed.

SEC. 22. Section 24351.5 of the Health and Safety Code is repealed.

SEC. 23. Article 1 (commencing with Section 28700) of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code is repealed.

SEC. 24. Article 1 (commencing with Section 28700) is added to Chapter 3 of Part 2 of Division 10 of the Public Utilities Code, to read:

Article 1. City Selection Committees

28700. The city selection committee organized within each county of the district pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, shall make appointments to the board of directors when vacancies occur as prescribed in Article 2.

28701. With regard to the City and County of San Francisco, the mayor shall make appointments to the board of directors. Any person appointed pursuant to this section shall be an elected official of the City and County of San Francisco.

SEC. 25. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law, various acts separately create city selection committees for purposes of appointing city representatives to various boards, commissions and agencies. Although the city selection committees created in each of these several acts perform the same function, each act differs somewhat in its provisions governing the operation of city selection committees. This lack of uniformity has produced uncertainty.

In addition, the provisions of the California Coastal Zone Conservation Act of 1972 which requires the appointment of city representatives to regional coastal zone conservation commissions by city selection committees have produced uncertainty because the act does not specify in what manner such committees are to be organized. This uncertainty is particularly apparent in one county in which only one city is incorporated.

In order to provide certainty and uniformity to the city selection committee process, it is necessary that this act take effect immediately.

CHAPTER 1233

An act to amend Sections 9221.5, 9234, 9240, 9243, 9244, 9246, 9400, 9401, 9440, 9441, 9442, 9445, 9461, 9492, 9500, 9600, and 9820, of the Education Code, as added by Chapter 929 of the Statutes of 1972, and to add Section 9222.3 to the Education Code, relating to instructional materials.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 9221.5 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9221.5. "Supplementary instructional materials" means instructional materials designed to serve, but not limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

SEC. 2. Section 9222.3 is added to the Education Code, to read:

9222.3. "Instructional materials set" means a collection of related supplementary instructional materials produced and submitted as a set by a single publisher or manufacturer and which are so designed that each part of the set is related to the same subject; however, not all parts of a set shall be necessary to promote the maximum efficiency of pupil learning in that subject. All parts of a set shall have a common educational purpose and methodology, and each part of a set shall be identified, marked, or imprinted with a common title or name.

SEC. 3. Section 9234 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9234. "Learner verification" means the continuous and thorough evaluation of instructional materials for their effectiveness with pupils.

SEC. 4. Section 9240 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9240. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of American Indians, American Negroes, Mexican-Americans, Asian Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

SEC. 5. Section 9243 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9243. No instructional materials shall be adopted by any governing board for use in the schools which, in its determination, contains:

(a) Any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex or occupation.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

SEC. 6. Section 9244 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9244. All instructional materials adopted by any governing board for use in the schools shall be, to the satisfaction of the governing board, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels.

SEC. 7. Section 9246 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9246. In the event that after the good faith acquisition of instructional materials by a governing board, the instructional materials are found to be in violation of this article and the governing board is unable to acquire other instructional materials which meet the requirements of this article in time for them to be used when the acquired materials were planned to be used, the governing board may use the acquired materials but only for that academic year.

SEC. 8. Section 9400 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9400. The state board shall biennially adopt a list of textbooks and instructional materials for use in the elementary school grades subject to the following provisions:

(a) The state board shall adopt not less than five but not more than 15 of any of the following, per subject, per grade: (1) instructional materials, (2) instructional materials systems, (3) instructional material sets, (4) a combination of instructional materials, instructional materials systems, and instructional materials sets. The state board may designate each instructional material, instructional material system, instructional material set, or any combination thereof, as basic or supplementary. The state board shall not adopt more than two instructional material sets per subject.

(b) Fewer than five instructional materials, instructional materials systems, and instructional materials sets may be adopted per subject, per grade if publishers and manufacturers of instructional materials do not submit a sufficient number of educationally useful materials or systems, as determined by the state

board; however, in no event shall the state board adopt less than two basic instructional materials systems per subject, per grade.

(c) In the event that a district board establishes to the satisfaction of the state board that the adoption of basic instructional materials does not promote the maximum efficiency of pupil learning in the district, the state board shall adopt additional basic instructional materials for use by that district board.

(d) The state board shall biennially adopt lists of instructional materials for the following subjects: (1) language arts, (2) arithmetic, (3) social sciences, (4) reading, (5) science, and (6) any other subject in which the board shall determine the need and desirability for instructional materials to promote the maximum efficiency of pupil learning. The state board may establish a cycle for adoptions by designating subjects to be adopted in even-numbered years and subjects to be adopted in odd-numbered years.

(e) The state board shall, at the time of the adoption, determine the date upon which state-adopted instructional materials shall be available for use by district boards.

(f) The state board may adopt instructional materials, instructional material systems, and instruction material sets without designating a grade or subject and the state board may designate more than one grade or subject whenever the state board determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning. Any materials so designated may be placed on a single grade or single subject list or may be placed on separate lists including other materials with similar grade or subject designations; however, all materials so designated shall be adopted subject to the numerical limitations of subdivision (a).

SEC. 9. Section 9401 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9401. In adopting the biennial list of instructional material the state board may do any one or more of the following:

(a) Retain any instructional materials from the previous biennial list, or any instructional materials adopted by it prior to October 1, 1972, and make any adjustment in prices based on information provided pursuant to Section 9423.

(b) Delete from the previous biennial list any instructional materials adopted by it prior to October 1, 1972, or any material which it determines is obsolete pursuant to Section 9800, or which received no order from any district board during the previous biennial period.

(c) Add instructional materials not previously submitted for adoption, or materials previously submitted which have been revised to comply with any recommendations of the state board.

SEC. 10. Section 9440 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9440. There is hereby created the State Instructional Materials Fund, effective July 1, 1973. The fund shall be a means of annually

funding the acquisition of instructional materials as required by the Constitution of the State of California. All money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for carrying out the purposes of this division. It is the intent of the Legislature that the fund shall provide for flexibility of instructional materials.

SEC. 11. Section 9441 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9441. The fund shall be administered by the State Department of Education under policies established by the state board. The state board shall encumber part of the fund to:

(a) Pay for the cost of royalties, warehousing, and shipping for those textbooks in the state textbook warehouse as of July 1, 1973, and adopted by the state board prior to the effective date of the statutes enacted at the 1972 Regular Session of the Legislature.

(b) Pay for the costs of instructional materials to be loaned to nonpublic school pupils pursuant to Section 9505.

(c) Pay for the costs of braille and large print textbooks to be furnished for visually handicapped pupils pursuant to Sections 9502 and 9503.

(d) Pay for the costs of warehousing and transporting textbooks printed by the Department of General Services. Such costs shall not exceed 10 percent of the cost of each textbook printed by the Department of General Services.

SEC. 12. Section 9442 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9442. After the application of Section 9441, the state board shall encumber the balance of the fund for the purpose of:

(a) Establishing a credit for each district board with which instructional materials adopted by the state board may be ordered.

(b) Establishing a cash allotment in an amount determined by the state board for use in purchasing instructional materials from any source, or for the purchase of tests or in-service training pursuant to Sections 9424 and 9425.

(c) Obtaining instructional materials in subsequent fiscal years.

SEC. 13. Section 9445 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9445. The State Controller shall during each fiscal year, commencing with fiscal year 1973-1974, transfer from the General Fund of the state to the State Instructional Materials Fund, an amount of seven dollars (\$7) per pupil in average daily attendance in the public and nonpublic elementary schools during the preceding fiscal year, as certified by the Superintendent of Public Instruction, except that this amount shall be adjusted annually in conformance with the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. For purposes of this section, average daily attendance in the nonpublic schools shall be the enrollment reported pursuant to Section 29009.5.

SEC. 14. Section 9461 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9461. District boards shall determine the necessary quantities and distribution pattern of instructional materials to pupils. No minimum order or ratio of materials shall be required, except that each district board shall provide sufficient quantities of state-adopted textbooks and instructional materials to meet the needs of their pupils and the requirements of Section 7.5 of Article IX of the California Constitution. District boards shall order all parts of any instructional material system which they order, except that, upon furnishing evidence to show that it already possesses any part or parts of a system, a district board shall not be required to order that quantity of those parts of the system. District boards may order any quantity of any part of any instructional materials set.

SEC. 15. Section 9492 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9492. The Department of General Services shall on the first day of each month furnish to the state board a detailed statement showing the name and number of books printed and bound by it during the preceding month, and the number in course of being printed and bound.

SEC. 16. Section 9500 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9500. The following individuals or organizations may order instructional materials from lists adopted by the state board:

(a) The head of any state institution offering instruction in the elementary grades, or giving instruction in the teaching of elementary subjects.

(b) Governing boards or nonpublic schools.

(c) Individuals for use only in California.

Such materials shall be purchased at the unit cost determined pursuant to Section 9443.

SEC. 17. Section 9600 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9600. The district board of each district maintaining one or more high schools shall adopt textbooks for use in the high schools under its control. Only textbooks of those publishers who comply with the requirements of Article 3 (commencing with Section 9240) and Article 4 (commencing with Section 9260) of Chapter 1 of this division and of Section 9426 may be adopted by the district board.

SEC. 18. Section 9820 of the Education Code, as added by Chapter 929 of the Statutes of 1972, is amended to read:

9820. The state board, any district board which employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools, may dispose of surplus or undistributed obsolete instructional materials in its possession which are usable for educational purposes in any of the following ways:

(a) By donation to any governing board, county free library or other state institution.

(b) By donation to any public agency or institution of any territory or possession of the United States, or the government of any country which formerly was a territory or possession of the United States.

(c) By donation to any nonprofit charitable organization.

(d) By donation to children or adults in the State of California, or foreign countries for the purpose of increasing the general literacy of the people.

(e) By sale for a nominal price for use within the State of California to any organization which agrees to use such materials solely for educational purposes.

CHAPTER 1234

An act to amend Section 39152 of, and to add Sections 39152.5 and 39152.6 to, the Health and Safety Code, relating to air pollution and making an appropriation therefor.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 39152 of the Health and Safety Code is amended to read:

39152. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6, or revised standards set pursuant to subdivision (k) of Section 39052, shall be sold and registered in this state unless the manufacturer thereof has, prior to the delivery of any new motor vehicle to any dealer or at, or prior to, the introduction date of new models delivered to a dealer, securely affixed on a side window to the rear of the driver, or if it cannot be so placed, to the windshield of the motor vehicle in accordance with paragraph (2) of subdivision (b) of Section 26708 of the Vehicle Code, a decal on which such manufacturer shall endorse clearly, distinctly, and legibly true and correct entries disclosing the following information concerning such motor vehicle:

(a) The California exhaust emission standards adopted pursuant to Article 2 (commencing with Section 39100) of this chapter or set pursuant to Section 39052.5 or 39052.6 which are applicable to that motor vehicle.

(b) For 1973 and 1974 model year motor vehicles, the exhaust emissions, based on quality audit tests of assembly line motor vehicles, and, at the beginning of each model year, based on

certification fleet data.

(c) For each 1975 and later model year motor vehicle, the exhaust emissions as determined by the assembly line test for that motor vehicle.

Nothing in this division or in any other statute shall be construed as prohibiting a purchaser from removing the decal required by this section, after he has taken possession of the vehicle.

SEC. 2. Section 39152.5 is added to the Health and Safety Code, to read:

39152.5. In connection with surveillance of emissions from new vehicles prior to their retail sale, the board may, by regulation, impose on manufacturers of such vehicles fees to recover the board's costs in conducting such surveillance.

Fees authorized by this section shall be imposed only for surveillance of emissions from new motor vehicles actually conducted.

Fees collected in accordance with this section shall be credited as a reimbursement to the support appropriation of the board in order to finance its costs.

SEC. 3. Section 39152.6 is added to the Health and Safety Code, to read:

39152.6. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6, or revised standards set pursuant to subdivision (k) of Section 39052, shall be sold and registered in this state unless the manufacturer thereof permits the board to conduct surveillance testing of emissions from new motor vehicles at his assembly facilities. Authorization for the sale and registration of any new motor vehicle in this state may be rescinded or withheld if, at any time, the board is prevented by the manufacturer from conducting surveillance of assembly line testing.

CHAPTER 1235

An act to amend Section 442.6 of the Health and Safety Code, relating to health care.

[Approved by Governor December 13, 1972. Filed with Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 442.6 of the Health and Safety Code is amended to read:

442.6. To promote economy, avoid duplication of effort, and make use of available expertise, the commission, in carrying out the duties of the new state functions delegated to it by the Legislature

pursuant to this part, shall, when such agreements will aid the commission in carrying out its duties under this part, contract to the extent feasible with private persons and nongovernmental and governmental organizations and agencies which are experienced in the collection and evaluation of information regarding hospital accounting and cost-reporting procedures, the efficiency of various health care delivery systems, and other related fields of knowledge pertaining to the hospitals subject to the provisions of this part.

To assure that information to be collected is relevant to the planning and evaluation of health services in general, the commission may request a review by the state department pursuant to Part 1.5 (commencing with Section 437) of Division 1, relating to health planning of the data items under Section 441.18. In the event the data sets are deemed deficient or irrelevant with respect to planning and evaluation, the state department may provide alternatives which may be reconciled with the commission's determinations.

The provisions of this section shall not be construed to limit the authority granted the commission under Section 441.9.

No person, organization, or agency which enters a contract pursuant to the provisions of this section shall, without the prior written approval of the commission, release or publish any information made available to it in its performance under such a contract, nor shall such person, organization, or agency use or employ any information obtained by it in connection with such participation for any purpose or purposes other than carrying out its duties and obligations under such contract unless permission to use the information for such purpose or purposes is specifically included in the contract of participation and approved by a majority of commission members. The prohibitions of this paragraph do not, however, apply to information which has been received or developed by a contracting person, organization, or agency in performing services or functions separate and distinct from those carried out under contract with the commission.

CHAPTER 1236

An act to add Chapter 6.5 (commencing with Section 25100) to Division 20 of the Health and Safety Code, relating to waste materials.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 25100) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6.5. HAZARDOUS WASTE CONTROL

Article 1. Findings and Declarations

25100. The Legislature finds that increasing quantities of hazardous wastes are being generated in the state and that without adequate safeguards for handling and disposal, such wastes can create conditions which threaten the public health and safety and create hazards to wildlife.

25101. The Legislature therefore declares that in order to prevent such hazardous conditions it is in the public interest to establish regulations and to maintain a program to provide for the safe handling and disposal of hazardous wastes.

Article 2. Definitions

25110. Unless the context indicates otherwise the definitions in this article govern the construction of this chapter.

25111. "Department" means the State Department of Public Health.

25112. "Director" means the Director of Public Health.

25113. "Disposal" means to abandon, deposit, intern or otherwise discard waste as a final action after their use has been achieved or a use is no longer intended.

25114. "Disposal site" means the location where any final deposition of solid waste occurs.

25115. "Extremely hazardous waste" means any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or illness during, or as a proximate result of, any disposal of such waste or mixture of wastes because of its quantity, concentration, or chemical characteristics.

25116. "Handling" means the transport, transfer from one place to another, or packaging of hazardous and extremely hazardous waste.

25117. "Hazardous waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to wildlife, during, or as a proximate result of any disposal of such wastes or mixture of wastes. The terms "toxic," "corrosive," "flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 (commencing with Section 28740) of Division 21).

25118. "Person" also includes any city, county, district, the state

or any department or agency thereof.

25119. "Processing" means to treat, detoxify, neutralize, incinerate, biodegrade, or otherwise process a hazardous waste to remove its harmful properties or characteristics for disposal in accordance with regulations established by the department in conjunction with any other agency authorized to regulate or control hazardous waste.

25120. "Processing facility" means any facility or location where any final treatment, incineration, processing or deposition of hazardous waste occurs.

25121. "Recycle" means to process, alter, or otherwise treat a hazardous waste for subsequent use.

25122. "Waste" means any material for which no use or reuse is intended and which is to be discarded.

Article 3. Hazardous Waste Technical Advisory Committee

25130. The department shall establish a hazardous waste technical advisory committee to provide consultation to the department concerning matters covered by the chapter. The committee shall advise the department on the development of standards, rules, and regulations for hazardous waste management, and shall supply recommendations concerning methods by which existing hazardous waste management practices and the laws regulating them may be supplemented and improved and their administration financed.

25131. The committee shall consist of seven members appointed by the director who shall be knowledgeable in hazardous waste management. The members shall insofar as possible represent the interests of the public, local and regional government, agriculture, manufacturing industry, local health departments, and the waste management industry.

25132. At least two members of the committee shall represent the interests of the public and shall have no financial interest in any of the recommendations or studies of the committee. Such financial interest shall include, but not be limited to, service as a consultant to any person specializing in waste disposal, as a tenant or landlord of property used for waste disposal, or as an attorney of a party with a direct financial interest in hazardous waste disposal.

25133. Members of the hazardous waste technical advisory committee shall serve without compensation, but shall be entitled to per diem and reimbursement for travel expenses incurred as a result of official committee business.

Article 4. Listings

25140. The department shall prepare, adopt and may revise when appropriate, a listing of the wastes which are determined to be hazardous, and a listing of the wastes which are determined to be

extremely hazardous. When identifying such wastes the department shall consider, but not be limited to, the immediate or persistent toxic effects to man and wildlife and the resistance to natural degradation or detoxification of the wastes.

Article 5. Standards

25150. The department shall adopt, and may revise when appropriate, minimum standards and regulations for the handling, processing, and disposal of hazardous and extremely hazardous wastes to protect against hazards to the public health, to domestic livestock, and to wildlife. Before adoption of such standards and regulations the department shall consult with all agencies of interested local governments and secure technical assistance from the Department of Agriculture, the Department of the California Highway Patrol, the Department of Fish and Game, the Department of Industrial Relations, Division of Industrial Safety, the State Air Resources Board, the State Water Resources Control Board and the State Fire Marshal.

25151. The department may adopt varying standards for different areas of the state depending on population density, climate, geology and other factors relevant to hazardous waste processing and disposal.

25152. Before adopting or revising minimum standards and regulations for the handling, processing, and disposal of hazardous and extremely hazardous wastes, the department shall hold at least one public hearing in Sacramento, or in a city within the area of the state to be affected by the proposed regulations. The department shall adopt the proposed regulations after making changes or additions that are appropriate in view of the evidence and testimony presented at the public hearing or hearings.

25153. Any person who is producing a waste material which he may reasonably consider to be an extremely hazardous waste, and which he does not intend to recycle for reuse and intends to dispose of as waste, shall notify the department of his intent to dispose of such waste material.

25154. After the effective date of the regulations adopted by the department pursuant to this article, it shall be unlawful for any person to dispose of any hazardous or extremely hazardous waste except as provided for in such regulations.

25155. After January 1, 1974, no extremely hazardous waste as listed by the department pursuant to Section 25140, may be disposed of without prior processing to remove its harmful properties or as specified by the regulations of the department for the handling and disposal of the particular extremely hazardous waste.

Article 6. Transportation

25160. After January 1, 1974, the person producing a hazardous waste listed by the department pursuant to Section 25140 shall provide the driver of any truck, a crew member of any train, or the captain of any vessel carrying such hazardous wastes with a list setting forth the hazardous wastes carried, the amount of such waste, the general chemical and mineral composition of such waste listed by probable maximum and minimum percentages, and the origin and destination of any such waste carried. Such list, when appropriate, may include information on antidotes, first aid, or safety measures to be taken in case of accidental contact with the particular hazardous waste being carried. The person carrying, or handling the hazardous waste shall have the list in his possession while carrying or handling the hazardous waste and shall release the list to a person responsible for disposal of the hazardous waste at the time of delivery. Such list shall be shown upon demand to any department official, officer of the California Highway Patrol, or any local public officer as designated by the director.

25161. The department shall adopt and enforce all rules and regulations, including the form and content of the list, necessary and appropriate to accomplish the purposes of Section 25160.

25162. Documents required by other agencies of the state or the federal government which describe the character and amount of hazardous wastes being carried shall satisfy the requirement of Section 25160.

Article 7. Other Provisions

25170. The department in performing its duties under this chapter shall:

(a) Establish procedures for evaluation and coordination of research and development regarding methods of hazardous waste handling and disposal and may conduct appropriate studies relating to hazardous wastes.

(b) Maintain a technical reference center on hazardous waste disposal, recycling practices, and related information for public and private use.

(c) Render technical assistance to state and local agencies in the planning and operation of hazardous waste programs.

(d) Provide for appropriate surveillance of hazardous waste processing and disposal practices in the state.

25171. No provision of this chapter shall be construed to require disposal of hazardous waste at the site of production, provided, that the transportation of such waste conforms to all applicable regulations.

25172. No provision of this chapter shall limit the authority of any state or local agency in the enforcement or administration of any provision of law which it is specifically permitted or required to

enforce and administer.

25173. The department shall establish procedures to insure that trade secrets used by a person regarding methods of hazardous waste handling and disposal are utilized by the director, the department, or any authorized representative of the department only in connection with the responsibilities of the department pursuant to this chapter and that such trade secrets are not otherwise disseminated by the director, the department, or any authorized representative of the department without the consent of the person. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

25174. Beginning January 1, 1974, each operator of any site at which hazardous wastes are disposed shall pay a fee to the director for each list or other document which such operator receives pursuant to Article 6 (commencing with Section 25160). The director shall establish a schedule of the fees to be paid to the director by such operator for each disposal of hazardous waste listed in such a list or document, which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient, to cover all costs incurred in the administration of this chapter. Such fees shall be deposited each month in the Hazardous Waste Control Account in the General Fund.

Article 8. Enforcement

25180. The minimum standards and regulations adopted by the department pursuant to Section 25150 shall be enforced by the department or any local health officer or any local public officer as designated by the director.

25181. Whenever, in the judgment of the department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule, regulation, or order issued thereunder, and at the request of the department, the district attorney of the county in which such acts or practices occur or will occur or the Attorney General may make application to the superior court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

25182. Every civil action brought under the provisions of this

chapter at the request of the department shall be brought by the district attorney or Attorney General in the name of the people of the State of California and any such actions relating to the same processing or disposal of hazardous wastes may be joined or consolidated.

25183. Any civil action brought pursuant to this chapter shall be brought in the county in which the processing or disposal of hazardous waste is made or proposed to be made.

25184. In any civil action brought pursuant to this chapter in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.

25185. The director or any duly authorized representative of the department may at any reasonable hour of the day, enter a factory, plant, construction site, waste disposal site, establishment or any environment where hazardous wastes are stored, handled, processed or disposed of, in order to carry out the purposes of this chapter.

SEC. 2. This act shall become operative on July 1, 1973.

CHAPTER 1237

An act to amend Sections 16144, 16149, 16150, 16152, and 16153 of, and to amend and renumber Section 16119 of, the Government Code, and to amend Sections 17054.5, 17203, 17226, 18683, 19526, 19531, 23186, 23301, 23332.5, 23402, 23571, 23701r, 23732, 24372, 24378, 24438, 24837.5, 25553, 25563, 25563.2, 25669, 25933, and 26481 of, and to add Sections 17036, 17206.5 and 23059 to, and to repeal Sections 17206.5 and 25957 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 16119 of the Government Code is amended and renumbered to read:

16154. In addition to the report required by Section 16144, the Secretary of the Resources Agency shall require from local government agencies such other information relative to lands valued pursuant to the provisions of Article 28 of the California Constitution as is necessary for the proper administration of the provisions of

Sections 16142 through 16153 and for periodic review of the policies established therein.

Information collected pursuant to this section shall be transmitted on request to the Legislature and to other state agencies, including, but not limited to, the State Board of Equalization, the Superintendent of Public Instruction, and the Department of Agriculture.

SEC. 1.5. Section 16144 of the Government Code is amended to read:

16144. On or before October 31, 1972, and annually thereafter, the governing body of each county, city, or city and county shall submit a report to the Secretary of the Resources Agency itemizing the number of acres of land under its regulatory jurisdiction which it believes to be qualified for state payments pursuant to the various categories enumerated in Section 16142, together with such supporting documentation as the secretary by regulation may require. The secretary, after reviewing the report and determining the eligibility of the local government to receive payment and the actual amount to which it is entitled, shall certify that amount to the Controller for payment, and the Controller shall make such payment at the same time payments are made to school districts pursuant to Section 16151.

The secretary may make such supplemental reports to the Controller as it deems necessary throughout the year to give effect to new or additional information received from local governing bodies, correct errors, and dispose of contested or conditional situations. Upon receiving such reports, the Controller shall pay any amount certified therein, and may withhold and deduct any certified overpayment from the amount that would otherwise be paid to the local government in the next succeeding year.

SEC. 2. Section 16149 of the Government Code is amended to read:

16149. On or before October 31, 1972, and on or before the last day of October of each year thereafter, the assessor shall report the open-space adjustment for each school district located in the county to the Controller and to the Superintendent of Public Instruction. The open-space adjustment shall be calculated by determining the difference between:

(a) The adjusted assessed value of all land in the district in the base year, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, which shall be the last assessment year prior to the application of Section 423 or 423.5 of the Revenue and Taxation Code to any land within the district, and

(b) The assessed value of all land within the district, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, for the current assessment year.

For the purposes of subdivision (a), "adjusted assessed value" shall be computed by multiplying the actual assessed value of land in the district in the base year, excluding the assessed value of the right to

extract oil, gas or other hydrocarbons, by the percentage which the gross assessed value of all land in the state on the local roll outside of municipalities without deductions for any exemptions for the current assessment year is of the gross assessed value of all land on the local roll outside municipalities without deductions for any exemptions in the base year. The Controller shall announce the factors to be used by the assessors on or before October 15th of each year.

For purposes of determining the "actual assessed value of land" in the district in the base year, any assessor who had announced that he was using an assessment ratio of less than 25 percent in the base year pursuant to Section 401 of the Revenue and Taxation Code shall adjust the actual assessed value of the land in the district in the base year to the assessed value which would have been on the roll had the assessor announced a 25-percent assessment ratio. If no announced ratio exists for the base year, the base year ratio shall be the ratio announced for the 1967-1968 fiscal year.

If the value of land within the district for the current assessment year is greater than the adjusted assessed value of the base year, there shall be no reimbursement.

SEC. 2.5. Section 16150 of the Government Code is amended to read:

16150. Notwithstanding any other provision of this chapter, no school district shall receive more than the following amount for each acre of land within the district assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code:

(a) For basic aid districts: one dollar (\$1) for community college districts; three dollars (\$3) for high school districts; and three dollars and fifty cents (\$3.50) for elementary school districts.

(b) For equalization aid districts: one and one-half times the amount specified for basic aid districts.

(c) For supplemental aid districts: two times the amount specified for basic aid districts.

(d) Unified districts shall receive no more than the combined amounts indicated in subdivisions (a) through (c) above for their elementary and high school components.

In addition, a basic aid school district shall not receive any assistance under the provisions of this article if its actual assessed value per pupil is greater than the product of the base year (as defined in subdivision (a) of Section 16149) assessed value per pupil times the percentage which the estimated or actual current expense of education per pupil in the state for the current year is of the current expense of education per pupil in the state for the base year.

SEC. 3. Section 16152 of the Government Code is amended to read:

16152. The other provisions of this chapter notwithstanding, no city, county, or city and county shall receive more money by reason of the funds provided for in the open-space provisions of this chapter than such governmental entity might have received had no property

in the entity been assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code. This determination shall be made by:

(a) Multiplying the last unrestricted assessed value, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, of each parcel now subject to assessment under Sections 423 or 423.5 of the Revenue and Taxation Code by the percentages which the current gross assessed value of all land on the local roll outside municipalities without deduction for exemption in the state is of the gross assessed value of all land on the local roll outside municipalities without deduction for exemption in the state for the last year in which the parcel was not so restricted;

(b) Subtracting the current assessed value, excluding the assessed value of the right to extract oil, gas or other hydrocarbons, for the parcel from the figure derived pursuant to subdivision (a);

(c) Calculating the total of all differences determined pursuant to subdivision (b) for land under control of, or, in the case of cities, within the boundaries of, the entity in question; and

(d) Multiplying the total derived under subdivision (c) by the tax rate for the current year of the entity in question.

The determinations required by this section shall be made by the Secretary of the Resources Agency, and he shall base his computations on "the last unrestricted assessed value," as used in subdivision (a), by factoring the assessed values in any county in which the assessor had announced that he was using an assessment ratio of less than 25 percent in any year to the value which would have been on the roll had such assessor announced a 25-percent assessment ratio. If no announced ratio exists for such year, the ratio for such year shall be the ratio announced for the 1967-1968 fiscal year.

SEC. 3.5. Section 16153 of the Government Code is amended to read:

16153. Notwithstanding any other provision of this chapter, state disbursements under this chapter by reason of property assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code shall not exceed thirteen million dollars (\$13,000,000) in the 1972-1973 fiscal year, fifteen million dollars (\$15,000,000) in the 1973-1974 fiscal year, and seventeen million dollars (\$17,000,000) in the 1974-1975 fiscal year. In the 1975-1976 fiscal year, state disbursements shall not exceed 115 percent of the state disbursements in the 1974-1975 fiscal year. The amounts provided for in this section may be exceeded by any amounts deposited in the State General Fund under Sections 51061 and 51283.

If claims by local governmental agencies exceed the limitation of this section, reductions in state disbursements shall be made on a pro rata per acre basis, first on funds allocated on nonprime lands, and second on funds to local governments on prime lands, and third to school district disbursements. Counties in which the limitation of Section 16152 is controlling shall be entitled to receive any payments due on their prime acreage according to Section 16142, subject to the

proration occurring on other prime lands, and subject to the overall limit of Section 16152, before any nonprime land receives payment.

The Secretary of the Resources Agency shall report to the Legislature on the impact of the expiration of the fiscal limitations in this section. A final report shall be submitted to the Legislature by April 1, 1973, in order that the Legislature can evaluate its fiscal commitment to this program for future years.

SEC. 4. Section 17036 is added to the Revenue and Taxation Code, to read:

17036. Unless expressly otherwise provided in this part, any notice may be given by first class mail postage prepaid.

SEC. 5. Section 17054.5 of the Revenue and Taxation Code is amended to read:

17054.5. (a) In the case of an individual computing his tax under Section 17041 or 17048, there shall be allowed as a credit against the tax imposed eight dollars (\$8) for each person (other than a dependent, as defined in Section 17056, or a relative of the taxpayer) maintained as a member of the taxpayer's household for a period of not less than six months, if during such period such individual is—

(1) A member of the taxpayer's household under a written agreement between the taxpayer and an organization described in subdivision (b), (c) or (d) of Section 17214 to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

(2) A full-time pupil or student in the 12th or any lower grade at an educational institution (as defined in paragraph (5) of subdivision (c) of Section 17054) located in the United States.

(b) (1) For purposes of computing the period in subdivision (a), if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

(2) Subdivision (a) shall not apply if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in his household during the period described in subdivision (a).

(c) For purposes of subdivision (a), the term "relative of the taxpayer" means an individual who, with respect to the taxpayer, bears any of the relationships described in subdivisions (a) to (h), inclusive, of Section 17056.

(d) No deduction shall be allowed under Section 17214 for any amount paid by a taxpayer to maintain an individual as a member of his household under a program described in paragraph (1) of subdivision (a).

SEC. 6. Section 17203 of the Revenue and Taxation Code is amended to read:

17203. (a) There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness. However, no deduction shall be allowed to the extent that it is connected with income not taxable under this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable

income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

(b) (1) If personal property or educational services are purchased under a contract—

(A) Which provides that payment of part or all of the purchase price is to be made in installments; and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained;

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

For purposes of this paragraph, the term “educational services” means any service (including lodging) which is purchased from an educational institution (as defined in subdivision (c) of Section 17150) and which is provided for a student of such institution.

(2) In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

(c) The amendments made in subdivision (b) shall apply to payments made during taxable years beginning after December 31, 1963.

(d) (1) The amount of investment interest (as defined in subparagraph (D) of paragraph (3)) otherwise allowable as a deduction under this part shall be limited, in the following order, to—

(A) Twenty-five thousand dollars (\$25,000) (twelve thousand five hundred dollars (\$12,500), in the case of a separate return by a married individual), plus

(B) The amount of the net investment income (as defined in subparagraph (A) of paragraph (3), plus the amount (if any) by which the deductions allowable under this section (determined without regard to this subdivision) and Section 17202 paragraph (1) or (2) of subdivision (a) of Section 17204, or Section 17252 attributable to property of the taxpayer subject to a net lease exceeds the rental income produced by such property for the taxable year, plus

(C) An amount equal to the amount by which the total amount of capital gains recognized exceeds the total amount of capital losses recognized for the taxable year, plus

(D) One-half of the amount by which investment interest exceeds the sum of the amounts described in subparagraphs (A), (B), and (C).

In the case of a trust, the twenty-five-thousand-dollar (\$25,000) amount specified in subparagraph (A) and in subparagraph (A) of

paragraph (2), shall be zero. In determining the amount described in subparagraph (C), only gains and losses attributable to the disposition of property held for investment shall be taken into account.

(2) (A) The amount of disallowed investment interest for any taxable year shall be treated as investment interest paid or accrued in the succeeding taxable year. The amount of the interest so treated which is allowable as a deduction by reason of the first sentence of this paragraph for any taxable year shall not exceed one-half of the amount by which—

(i) The net investment income for such taxable year plus twenty-five thousand dollars (\$25,000), exceeds

(ii) The investment interest paid or accrued during such taxable year (determined without regard to this paragraph) or twenty-five thousand dollars (\$25,000), whichever is greater.

(B) If—

(i) An amount of disallowed investment treated under subparagraph (A) as investment interest paid or accrued in the taxable year is not allowable as a deduction for such taxable year by reason of the second sentence of subparagraph (A), and

(ii) The taxpayer is not required to recognize a portion of capital gains by reason of Section 18162.5 (whether or not the taxpayer recognizes such gains), the amount of such disallowed investment interest shall be reduced by an amount equal to the amount not recognizable under Section 18162.5.

(3) For purposes of this subdivision—

(A) The term “net investment income” means the excess of investment income over investment expenses.

(B) The term “investment income” means—

(i) The gross income from interest, dividends, rents, and royalties,

(ii) The capital gain attributable to the disposition of property held for investment and held for not more than one year, and

(iii) Any amount treated under Sections 18211 and 18212 to 18218, inclusive as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182

but only to the extent such income, gain, and amounts are not derived from the conduct of a trade or business.

(C) The term “investment expenses” means the deductions allowable under Section 17202, paragraph (1) or (2) of subdivision (a) of Section 17204, Sections 17207, 17208 to 17211.7, inclusive, 17217 to 17221, inclusive, 17252, or 17681 directly connected with the production of investment income. For purposes of this subparagraph, the deduction allowable under Sections 17208 to 17211.5, inclusive, with respect to any property may be treated as the amount which would have been allowable had the taxpayer depreciated the property under the straight-line method for each taxable year of its useful life for which the taxpayer has held the property, and the

deduction allowable under Section 17681 with respect to any property may be treated as the amount which would have been allowable had the taxpayer determined the deduction under Section 17681 without regard to Sections 17683 to 17688, inclusive, for each taxable year for which the taxpayer has held the property.

(D) The term "investment interest" means interest paid or accrued on indebtedness incurred or continued to purchase or carry property held for investment.

(E) The term "disallowed investment interest" means with respect to any taxable year, the amount not allowable as a deduction solely by reason of the limitations in paragraph (1) and subparagraph (A) of paragraph (2).

(4) (A) For purposes of this subdivision, property subject to a lease shall be treated as property held for investment, and not as property used in a trade or business, for a taxable year, if—

(i) For such taxable year the sum of the deductions of the lessor with respect to such property which are allowable solely by reason of Section 17202 (other than rents and reimbursed amounts with respect to such property) is less than 15 percent of the rental income produced by such property, or

(ii) The lessor is either guaranteed a specified return or is guaranteed in whole or in part against loss of income.

(B) In the case of a partnership, each partner shall, under regulations prescribed by the Franchise Tax Board, take into account separately his distributive share of the partnership's investment interest and the other items of income and expense taken into account under this subdivision.

(C) For purposes of this subdivision, interest paid or accrued on indebtedness incurred or continued in the construction of property to be used in a trade or business shall not be treated as investment interest.

(5) The amount equal to the amount of investment interest which is allowable as a deduction by reason of subparagraph (C) of paragraph (1) of this subdivision shall be treated as gain from the sale or other disposition of property which is neither a capital asset nor property described in Sections 18181 and 18182.

(6) This subdivision shall not apply with respect to investment interest, investment income, and investment expenses attributable to a specific item of property, if the indebtedness with respect to such property—

(A) Is for a specified term, and

(B) Was incurred before December 17, 1969, or is incurred after December 16, 1969, pursuant to a written contract or commitment which, on such date and at all times thereafter prior to the incurring of such indebtedness, is binding on the taxpayer.

(7) For purposes of subparagraph (A) of paragraph (4)—

(A) If a parcel of real property of the taxpayer is leased under two or more leases, clause (i) of subparagraph (A) of paragraph (4) shall, at the election of the taxpayer, be applied by treating all

leased portions of such property as subject to a single lease; and

(B) At the election of the taxpayer, clause (i) of subparagraph (A) of paragraph (4) shall not apply with respect to real property of the taxpayer which has been in use for more than five years. An election under subparagraph (A) or (B) shall be made at such time and in such manner as the Franchise Tax Board prescribes by regulations.

(e) The amendments made in subdivision (d) by the First Extraordinary Session of the 1971 Legislature and the Regular Session of the 1972 Legislature shall apply to taxable years beginning after December 31, 1971.

SEC. 7. Section 17206.5 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 17206.5 is added to the Revenue and Taxation Code, to read:

17206.5. Notwithstanding the provisions of subdivision (a) of Section 17206, any loss attributable to a disaster accruing in an area subsequently determined by the President of the United States to warrant assistance by the federal government under the Disaster Relief Act of 1970 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred, based on facts existing at the date the taxpayer claims the loss. If an election is made under this section, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

SEC. 9. Section 17226 of the Revenue and Taxation Code is amended to read:

17226. (a) Every taxpayer at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subdivision (d)), based on a period of 60 months. Such amortization deduction shall be an amount with respect to each month of such period within the taxable year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by Section 17208. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired,

or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Franchise Tax Board in such manner, in such form, and within such time, as the Franchise Tax Board may by regulations prescribe, a statement of such election.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The depreciation deduction provided under Section 17208 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

(d) For purposes of this section—

(1) The term “certified pollution control facility” means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1971, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which the State Department of Health has certified as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination.

(2) For purposes of paragraph (1), the term “new identifiable treatment facility” includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in Section 17208, which is identifiable as a treatment facility, and which—

(A) Is property—

(i) The construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1970, or

(ii) Acquired after December 31, 1970, if the original use of the property commences with the taxpayer and commences after such date, and

(B) Is placed in service by the taxpayer before January 1, 1975. In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1970.

(e) The State Department of Health shall not certify any property to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

(f) (1) For purposes of this section, the term "amortizable basis" means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

(2) (A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

(B) The amortizable basis of a certified pollution control facility with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

(g) The depreciation deduction provided by Section 17208 shall, despite the provisions of subdivision (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

(h) In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(i) For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see Section 18211.

SEC. 10. Section 18683 of the Revenue and Taxation Code is amended to read:

18683. If any taxpayer fails or refuses to furnish any information requested in writing by the Franchise Tax Board or fails or refuses to make and file a return required by this part upon notice and demand by the Franchise Tax Board, then, unless the failure is due to reasonable cause and not willful neglect, the Franchise Tax Board may add a penalty of 25 percent of the amount of tax determined pursuant to Section 18648 or of any deficiency tax assessed by the Franchise Tax Board concerning the assessment of which the information or return was required.

SEC. 12. Section 19526 of the Revenue and Taxation Code is amended to read:

19526. Notwithstanding the definition of income set forth in Section 19501.5, no assistance shall be allowed for property taxes accrued and paid if the gross household income from all sources for the periods set forth in Section 19501.5 is twenty thousand dollars (\$20,000) or more; provided, however, that in the case of a person whose principal trade or business is farming, such amount is thirty thousand dollars (\$30,000) or more.

SEC. 13. Section 19531 of the Revenue and Taxation Code is amended to read:

19531. Each claimant applying for assistance under Article 2

(commencing with Section 19521) of this part shall file a claim under penalty of perjury with the Franchise Tax Board on a form supplied by such board. The claim shall contain:

(a) Evidence acceptable to the Franchise Tax Board that the claimant was a resident of California and 62 years of age or older on or before the first day of January preceding the end of the fiscal year for which the claim is filed.

(b) A statement showing the household income for the period set forth in Section 19501.5.

(c) A statement describing the property on which the claim is based and showing at least the assessed value of the homestead; the size and nature of the homestead; together with the tax bill. No interest shall be allowed on any payment made to any claimant pursuant to this part.

If a claimant submits a statement containing the essential data set forth in this section under penalty of perjury within the period set forth in Section 19532, the Franchise Tax Board shall compute the amount of assistance and authorize payment. The amount of any assistance otherwise payable under this part may be applied by the Franchise Tax Board against any liability due from the claimant under any law administered by the Franchise Tax Board.

SEC. 14. Section 23059 is added to the Revenue and Taxation Code, to read:

23059. Unless expressly otherwise provided in this part, any notice may be given by first-class mail postage prepaid.

SEC. 15. Section 23186 of the Revenue and Taxation Code is amended to read:

23186. (a) The rate of tax on banks and financial corporations shall be a percentage equal to the percentage of the total amount of net income, allocable to this state, of every corporation taxable under Section 23151, or subdivision (b) of Section 23151.1 other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this state as franchise taxes according to or measured by such net income, and required to be paid to this state or its political subdivisions by such corporations as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 11 percent. The percentage of the net income of every corporation taxable under Section 23151, or subdivision (b) of Section 23151.1 other than public utilities as defined in the Public Utilities Act, required to be paid to this state or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 7 percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to

this state or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

(b) For calendar or fiscal years ending after December 31, 1971 the 11 percent provided in the first sentence of subdivision (a) shall be 11.6 percent and the 7 percent provided in the second sentence shall be 7.6 percent.

SEC. 16. Section 23301 is amended to read:

23301. Except for the purpose of amending the articles of incorporation to set forth a new name, the corporate powers, rights and privileges of a domestic taxpayer shall be suspended, and the exercise of the corporate powers, rights and privileges of a foreign taxpayer in this state shall be forfeited if any of the following conditions occur:

(a) If any tax, penalty or interest, or any portion thereof, which is due and payable either at the time the return is required to be filed, or on or before the 15th day of the ninth month following the close of the income year, is not paid on or before 6 o'clock p.m. on the last day of the 12th month after the close of the income year; or

(b) If any tax, penalty or interest, or any portion thereof, other than jeopardy or fraud assessments, due and payable upon notice and demand from the Franchise Tax Board, is not paid on or before 6 o'clock p.m. on the last day of the 11th month following the due date of said tax; or

SEC. 17. Section 23332.5 of the Revenue and Taxation Code is amended to read:

23332.5. If a financial corporation ceases doing business dissolves or withdraws from the state during any taxable year beginning after December 31, 1972, the tax for the taxable year during which cessation of doing business, dissolution or withdrawal occurs shall be computed as prescribed by subdivision (b) or (c) of Section 23183. In determining the amount of such tax, a financial corporation will be allowed an offset against the amounts paid during the final taxable year to this state as personal property taxes, or as license fees or excise taxes as described in subdivisions (a) to (d), inclusive, of Section 23184. However, after the allowance of such offsets, the tax on a financial corporation shall not be less than 7.6 percent of its net income for the final taxable year nor less than the minimum tax provided in Section 23184.

SEC. 18. Section 23402 of the Revenue and Taxation Code is amended to read:

When the income of a taxpayer subject to the tax imposed under this part is derived from or attributable to sources both within and without the state, the tax imposed by this chapter shall be measured by the tax preference income derived from or attributable to sources within this state in the manner prescribed in Chapter 17 (commencing with Section 25101) of this part.

SEC. 19. Section 2357~~1~~ of the Revenue and Taxation Code is amended to read:

23571. (a) Except for the purpose of amending the articles of incorporation to set forth a new name, the corporate powers, rights and privileges of a domestic taxpayer shall be suspended and shall not be exercised for any purpose or in any manner in this state:

(1) If any tax, penalty or interest, or any portion thereof, which is due and payable either at the time the return is required to be filed, or on or before the 15th day of the ninth month following the close of the income year, is not paid on or before 6 o'clock p.m. of the last day of the 12th month after the close of the income year; or

(2) If any tax, penalty or interest, or any portion thereof, other than jeopardy or fraud assessments, due and payable upon notice and demand from the Franchise Tax Board, is not paid on or before 6 o'clock p.m. on the last day of the 11th month following the due date of said tax; or

(b) Any taxpayer which has been suspended under subdivision (a), may be revived in the manner provided for by Sections 23305 and 23305a.

SEC. 20. Section 23701~~1~~ of the Revenue and Taxation Code is amended to read:

23701r. Corporations organized and operated to support or defeat a political candidate or candidates or to support or recall an elective public officer or officers which are supported solely by contributions and no part of the income of which inures to the benefit of any individual other than through the political support or opposition.

SEC. 21. Section 23732 of the Revenue and Taxation Code is amended to read:

23732. (a) (1) Except as otherwise provided in this subdivision, the term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in Section 23734) regularly carried on by it, less the deductions allowed by this article which are directly connected with the carrying on of such trade or business, both computed with the modifications provided in subdivision (b).

(2) (A) In the case of an organization described in Section 23701g or 23701i, the term "unrelated business taxable income" means the gross income (excluding any exempt function income), less the deductions allowed by this article which are directly connected with the production of the gross income (excluding function income), both computed with the modifications provided in paragraphs (9), (10), and (11) of subdivision (b).

(B) For purposes of subparagraph (A), the term "exempt function income" means the gross income from dues, fees, charges, or similar amounts paid by members of the organization as consideration for providing such members or their dependents or guests goods, facilities, or services in furtherance of the purposes constituting the basis for the exemption of the organization to which

such income is paid. Such term also means all income (other than an amount equal to the gross income derived from any unrelated trade or business regularly carried on by such organization computed as if the organization were subject to paragraph (1)), which is set aside—

(i) For a purpose specified in subdivision (d) of Section 17214, or

(ii) In the case of an organization described in Section 23701i, to provide for the payment of life, sick, accident, or other benefits, including reasonable costs of administration directly connected with a purpose described in clause (i) or (ii).

If during the taxable year, an amount which is attributable to income so set aside is used for a purpose other than that described in clause (i) or (ii), such amount shall be included, under subparagraph (A), in unrelated business taxable income for the taxable year.

(C) If property used directly in the performance of the exempt function of an organization described in Section 23701g or 23701i is sold by such organization, and within a period beginning one year before the date of such sale, and ending three years after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property. For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property and rules similar to the rules provided by Sections 18092, 18093, 18095, and 18100 shall apply.

(3) If a corporation exempt under Section 23701h—

(A) Pays any amount of its net income for a taxable year to an organization (parent) exempt from taxation under Section 23701 or 17631 (or in case of an organization located outside the state the exemption may be under Section 501(a) of the Internal Revenue Code) or which would pay such amount but for the fact that the expenses of collecting its income exceeded its income, and

(B) Such corporation and such organization file a consolidated federal return for the year and furnish a copy of the consolidated return with its return, such corporation shall be treated, for the purposes of the tax imposed by Section 23731, as being organized and operated for the same purposes as such organization in addition to the purposes described in Section 23701h.

(b) The modifications referred to in subdivision (a) are the following:

(1) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(2) There shall be excluded all royalties (including overriding royalties) whether measured by production or by gross or taxable income from the property, and all deductions directly connected with such income.

(3) In the case of rents—

(A) Except as provided in subparagraph (B), there shall be excluded—

(i) All rents from real property, and

(ii) All rents from personal property leased with such real property, if the rents attributable to such personal property are an incidental amount of the total rents received or accrued under the lease, determined at the time the personal property is placed in service.

(B) Subparagraph (A) shall not apply—

(i) If more than 50 percent of the total rent received or accrued under the lease is attributable to personal property described in subparagraph (A) (ii), or

(ii) If the determination of the amount of such rent depends in whole or in part on the income or profits derived by any person from the property leased (other than an amount based on a fixed percentage or percentages of receipts or sales).

(C) There shall be excluded all deductions directly connected with rents excluded under subparagraph (A).

(4) Notwithstanding paragraph (1), (2), (3), or (5), in case of debt-financed property (as defined in Section 23735) there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under paragraph (1) of subdivision (a) of Section 23735, and there shall be allowed, as a deduction, the amount ascertained under paragraph (2) of subdivision (a) of Section 23735.

(5) There shall be excluded all gains or losses from the sale, exchange or other disposition of property other than—

(A) Stock in trade or other property of a kind which would properly be includable in inventory if on hand at the close of the taxable year, or

(B) Property held primarily for sale to customers in the ordinary course of the trade or business.

This paragraph shall not apply with respect to the cutting of timber which is considered, on the application of Section 17711, as a sale or exchange of such timber.

(6) There shall be excluded all income derived from research for (A) the United States, or any of its agencies or instrumentalities, or (B) any state or political subdivision thereof; and there shall be excluded all deductions directly connected with such income.

(7) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(8) In the case of an organization operated primarily for purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(9) In the case of any organization (other than a trust) subject to tax under Section 23731, the deduction allowed by Section 24357

(relating to charitable, etc., contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business), but shall not exceed 5 percent of the unrelated business taxable income computed without the benefit of this paragraph.

(10) In the case of any trust subject to taxation under Section 23731 or subdivision (a) of Section 17651, the deduction allowed by Sections 17214 and 17215 (relating to charitable, etc., contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business) and for such purpose a distribution made by the trust to a beneficiary described in Section 17214 shall be considered a gift or contribution. The deduction allowed by this paragraph shall be allowed with the limitations prescribed in Section 17215 determined with reference to the unrelated business taxable income computed without the benefit of this paragraph (in lieu of with reference to adjusted gross income).

(11) There shall also be allowed a specific deduction of one thousand dollars (\$1,000). In the case of a diocese, province of a religious order, or a convention or association of churches, there shall be allowed, with respect to each parish, individual church, district, or other local unit, a specific deduction equal to the lower of—

(A) One thousand dollars (\$1,000), or

(B) The gross income derived from any unrelated trade or business regularly carried on by such local unit.

(12) In the case of an organization which is described in Section 23701a, there shall be excluded all income used to establish, maintain, or operate a retirement home, hospital, or other similar facility for the exclusive use and benefit of the aged and infirm members of such an organization, which is derived from agricultural pursuits conducted on ground contiguous to the retirement home, hospital, or similar facility and further provided that such income does not provide more than 75 percent of the cost of maintaining and operating the retirement home, hospital, or similar facility; and there shall be excluded all deductions directly connected with such income.

(13) Notwithstanding paragraph (1), (2), or (3), amounts of interest, annuities, royalties, and rents derived from any organization (in this paragraph called the controlled organization) of which the organization deriving such amounts (in this paragraph called the controlling organization) has control (as defined in Section 24564) shall be included as an item of gross income (whether or not the activity from which such amounts are derived represents a trade or business or is regularly carried on) in an amount which bears the same ratio as—

(A) (i) In the case of a controlled organization which is not exempt from taxation under Section 23701 or 17631, the excess of the amount of taxable income of the controlled organization over the amount of such organization's taxable income which if derived directly by the controlling organization would not be unrelated business taxable income, or

(ii) In the case of a controlled organization which is exempt from taxation under Section 23701 or 17631, the amount of unrelated business taxable income of the controlled organization, bears to

(B) The taxable income of the controlled organization (determined in the case of a controlled organization to which subparagraph (A) (ii) applies as if it were not an organization exempt from taxation under Section 23701 or 17631), but not less than the amount determined in clause (i) or (ii), as the case may be, of subparagraph (A),

both amounts computed without regard to amounts paid directly or indirectly to the controlling organization. There shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

SEC. 22. Section 24372 of the Revenue and Taxation Code is amended to read:

24372. (a) Every taxpayer at its election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subdivision (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the income year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by Section 24349. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding income year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the income year succeeding the income year in which such facility is completed or acquired, shall be made by filing with the Franchise Tax Board in such manner, in such form, and within such time, as the Franchise Tax Board may by regulations prescribe, a statement of such election.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The depreciation deduction provided under Section 24349 shall be

allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

(d) For purposes of this section—

(1) The term “certified pollution control facility” means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1971, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which the State Department of Health has certified as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination.

(2) For purposes of paragraph (1), the term “new identifiable treatment facility” includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in Section 24349 which is identifiable as a treatment facility, and which—

(A) Is property—

(i) The construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1970, or

(ii) Acquired after December 31, 1970, if the original use of the property commences with the taxpayer and commences after such date, and

(B) Is placed in service by the taxpayer before January 1, 1975. In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1970.

(e) The State Department of Health shall not certify any property to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

(f) (1) For purposes of this section, the term “amortizable basis” means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

(2) (A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

(B) The amortizable basis of a certified pollution control facility

with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

(g) The depreciation deduction provided by Section 24349 shall, despite the provisions of subdivision (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

(h) In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

SEC. 23. Section 24378 of the Revenue and Taxation Code is amended to read:

24378. (a) Amounts paid or incurred during the income year on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred shall be allowed as a deduction.

(b) Any payment not described in subdivision (a) which is made in discharge of a principal sum agreed upon in the transfer agreement shall be allowed as a deduction—

(1) In the case of a single payment made in discharge of such principal sum, ratably over the income years in the period beginning with the income year in which the payment is made and ending with the ninth succeeding income year or ending with the last income year beginning in the period of the transfer agreement, whichever period is shorter;

(2) In the case of a payment which is one of a series of approximately equal payments made in discharge of such principal sum, which are payable over—

(A) The period of the transfer agreement, or

(B) A period of more than 10 income years, whether ending before or after the end of the period of the transfer agreement, in the income year in which the payment is made; and

(3) In the case of any other payment, in the income year or years specified in regulations prescribed by the Franchise Tax Board, consistently with the preceding provisions of this paragraph.

(c) This section shall not apply to the transfer of a franchise to engage in professional football, basketball, baseball, or other professional sport.

SEC. 24. Section 24438 of the Revenue and Taxation Code is amended to read:

24438. (a) No deduction shall be allowed for any interest paid or incurred by a taxpayer during the income year with respect to its corporate acquisition indebtedness to the extent that such interest exceeds—

(1) Five million dollars (\$5,000,000), reduced by

(2) The amount of interest paid or incurred by such corporation during such year on obligations (A) issued after December 31, 1967, to provide consideration for an acquisition described in paragraph

(1) of subdivision (b), but (B) which are not corporate acquisition indebtedness.

(b) For purposes of this section, the term "corporate acquisition indebtedness" means any obligation evidenced by a bond, debenture, note, or certificate or other evidence of indebtedness issued after October 9, 1969, by a corporation (hereinafter in this section referred to as "issuing corporation") if—

(1) Such obligation is issued to provide consideration for the acquisition of—

(A) Stock in another corporation (hereinafter in this section referred to as "acquired corporation"), or

(B) Assets of another corporation (hereinafter in this section referred to as "acquired corporation") pursuant to a plan under which at least two-thirds (in value) of all the assets (excluding money) used in trades and businesses carried on by such corporation are acquired,

(2) Such obligation is either—

(A) Subordinated to the claims of trade creditors of the issuing corporation generally, or

(B) Expressly subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness, whether outstanding or subsequently issued, of the issuing corporation,

(3) The bond or other evidence of indebtedness is either—

(A) Convertible directly or indirectly into stock of the issuing corporation, or

(B) Part of an investment unit or other arrangement which includes, in addition to such bond or other evidence of indebtedness, an option to acquire, directly or indirectly, stock in the issuing corporation, and

(4) As of a day determined under paragraph (1) of subdivision (c) either—

(A) The ratio of debt to equity (as defined in paragraph (2) of subdivision (c)) of the issuing corporation exceeds 2 to 1, or

(B) The projected earnings (as defined in paragraph (3) of subdivision (c)), do not exceed three times the annual interest to be paid or incurred (determined under paragraph (4) of subdivision (c)).

(c) For purposes of paragraph (4) of subdivision (b)—

(1) Determinations are to be made as of the last day of any income year of the issuing corporation in which it issues any obligation to provide consideration for an acquisition described in paragraph (1) of subdivision (b) of stock in, or assets of, the acquired corporation.

(2) The term "ratio of debt to equity" means the ratio which the total indebtedness of the issuing corporation bears to the sum of its money and all its other assets (in an amount equal to their adjusted basis for determining gain) less such total indebtedness.

(3) (A) The term "projected earnings" means the "average annual earnings" (as defined in subparagraph (B)) of—

(i) The issuing corporation only, if clause (ii) does not apply, or

(ii) Both the issuing corporation and the acquired corporation, in any case where the issuing corporation has acquired control (as defined in Section 24564), or has acquired substantially all of the properties of the acquired corporation.

(B) The average annual earnings referred to in subparagraph (A) is, for any corporation, the amount of its earnings and profits for any three-year period ending with the last day of an income year of the issuing corporation described in paragraph (1), computed without reduction for—

(i) Interest paid or incurred,
(ii) Depreciation or amortization allowed under this part,
(iii) Liability for tax under this part, and
(iv) Distributions to which subdivision (a) of Section 24453 applies (other than such distributions from the acquired to the issuing corporation), and reduced to an annual average for such three-year period pursuant to regulations prescribed by the Franchise Tax Board. Such regulations shall include rules for cases where any corporation was not in existence for all of such three-year period or such period includes only a portion of an income year of any corporation.

(4) The term “annual interest to be paid or incurred” means—

(A) If subparagraph (B) does not apply, the annual interest to be paid or incurred by the issuing corporation only, determined by reference to its total indebtedness outstanding, or

(B) If projected earnings are determined under clause (ii) of subparagraph (A) of paragraph (3), the annual interest to be paid or incurred by both the issuing corporation and the acquired corporation, determined by reference to their combined total indebtedness outstanding.

(5) With respect to any corporation which is a bank or is primarily engaged in a lending or finance business—

(A) In determining under paragraph (2) the ratio of debt to equity of such corporation (or of the affiliated group of which such corporation is a member), the total indebtedness of such corporation (and the assets of such corporation) shall be reduced by an amount equal to the total indebtedness owed to such corporation which arises out of the banking business of such corporation, or out of the lending or finance business of such corporation, as the case may be;

(B) In determining under paragraph (4) the annual interest to be paid or incurred by such corporation (or by the issuing and acquired corporations referred to in subparagraph (B) of paragraph (4) or by the affiliated group of which such corporation is a member) the amount of such interest (determined without regard to this paragraph) shall be reduced by an amount which bears the same ratio to the amount of such interest as the amount of the reduction for the income year under subparagraph (A) bears to the total indebtedness of such corporation; and

(C) In determining under subparagraph (B) of paragraph (3),

the average annual earnings, the amount of the earnings and profits for the three-year period shall be reduced by the sum of the reductions under subparagraph (B) for such period.

For purposes of this paragraph, the term "lending or finance business" means a business of making loans or purchasing or discounting accounts receivable, notes, or installment obligations.

(d) In applying this section—

(1) The deduction of interest on any obligation shall not be disallowed under subdivision (a) before the first income year of the issuing corporation as of the last day of which the application of either subparagraph (A) or subparagraph (B) of paragraph (4) of subdivision (b) results in such obligation being corporate acquisition indebtedness.

(2) Except as provided in paragraphs (3), (4), and (5), if an obligation is determined to be corporate acquisition indebtedness as of the last day of any income year of the issuing corporation, it shall be corporate acquisition indebtedness for such income year and all subsequent income years.

(3) If an obligation is determined to be corporate acquisition indebtedness as of the close of an income year of the issuing corporation in which clause (i) of subparagraph (A) of paragraph (3) of subdivision (c) applied, but would not be corporate acquisition indebtedness if the determination were made as of the close of the first income year of such corporation thereafter in which clause (ii) of subparagraph (A) of paragraph (3) of subdivision (c) could apply, such obligation shall be considered not to be corporate acquisition indebtedness for such later income year and all income years thereafter.

(4) If an obligation which has been determined to be corporate acquisition indebtedness for any income year would not be such indebtedness for each of any three consecutive income years thereafter if paragraph (4) of subdivision (b) were applied as of the close of each of such three years, then such obligation shall not be corporate acquisition indebtedness for all income years after such three consecutive income years.

(5) In the case of obligations issued to provide consideration for the acquisition of stock in another corporation, such obligations shall be corporate acquisition indebtedness for an income year only if the issuing corporation owns 5 percent or more of the total combined voting power of all classes of stock entitled to vote of such other corporation.

(e) An acquisition of stock of a corporation of which the issuing corporation is in control (as defined in Section 24564) in a transaction in which gain or loss is not recognized shall be deemed an acquisition described in paragraph (1) of subdivision (b) only if immediately before such transaction (1) the acquired corporation was in existence, and (2) the issuing corporation was not in control (as defined in Section 24564) of such corporation.

(f) For purposes of this section, the term "corporate acquisition

indebtedness" does not include any indebtedness issued to any person to provide consideration for the acquisition of stock in, or assets of, any foreign corporation substantially all of the income of which, for the three-year period ending with the date of such acquisition or for such part of such period as the foreign corporation was in existence, is from sources without the United States.

(g) In any case in which the issuing corporation is a member of an affiliated group, the application of this section shall be determined, pursuant to regulations prescribed by the Franchise Tax Board, by treating all of the members of the affiliated group in the aggregate as the issuing corporation, except that the ratio of debt to equity of, projected earnings of, and annual interest to be paid or incurred by any corporation (other than the issuing corporation determined without regard to this subdivision) shall be included in the determinations required under subparagraphs (A) and (B) of paragraph (4) of subdivision (b) as of any day only if such corporation is a member of the affiliated group on such day, and, in determining projected earnings of such corporation under paragraph (3) of subdivision (c), there shall be taken into account only the earnings and profits of such corporation for the period during which it was a member of the affiliated group. For purposes of this section, the term "affiliated group" has the meaning assigned to such term by Section 1504 of the Internal Revenue Code except that all corporations other than the acquired corporation shall be treated as includable corporations and the acquired corporation shall not be treated as an includable corporation.

(h) For purposes of this section—

(1) Any extension, renewal, or refinancing of an obligation evidencing a preexisting indebtedness shall not be deemed to be the issuance of a new obligation.

(2) Any obligation which is corporate acquisition indebtedness of the issuing corporation is also corporate acquisition indebtedness of any corporation which becomes liable for such obligation as guarantor, endorser, or indemnitor or which assumes liability for such obligation in any transaction.

(i) No inference shall be drawn from any provision in this section that any instrument designated as a bond, debenture, note, or certificate or other evidence of indebtedness by its issuer represents an obligation or indebtedness of such issuer in applying any other provision of this part.

(j) The provisions of this section shall apply to the determination of the allowability of the deduction of interest paid or incurred with respect to indebtedness incurred after December 31, 1970.

SEC. 25. Section 24837.5 of the Revenue and Taxation Code is amended to read:

24837.5. (a) (1) At the election of the taxpayer, expenditures paid or incurred during the income year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred before the beginning

of the development stage of the mine, shall be allowed as a deduction in computing net income. This subdivision shall apply only with respect to the amount of such expenditures which, but for this subdivision, would not be allowable as a deduction for the income year. This subdivision shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in Sections 24349 to 24354.2, inclusive, but allowances for depreciation shall be considered, for purposes of this subdivision, as expenditures paid or incurred. In no case shall this subdivision apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas or of any mineral with respect to which a deduction for percentage depletion is not allowable under Section 24832 or 24833.

(2) (A) Any election under this subdivision shall be made in such manner as the Franchise Tax Board may by regulations prescribe.

(B) The election provided by paragraph (1) for the income year may be made at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this part for the income year. Such an election for the income year shall apply to all expenditures described in paragraph (1) paid or incurred by the taxpayer during the income year or during any subsequent income year.

(C) The statutory period for the assessment of any deficiency for any income year, to the extent such deficiency is attributable to an election or revocation of an election under this subdivision, shall not expire before the last day of the three-year period beginning on the day after the date on which such election or revocation of election is made; and such deficiency may be assessed at any time before the expiration of such three-year period, notwithstanding any law or rule of law which would otherwise prevent such assessment.

(b) (1) If, in any income year, any mine with respect to which expenditures were deducted pursuant to subdivision (a) reaches the producing stage, then—

(A) If the taxpayer so elects with respect to all such mines reaching the producing stage during the income year, it shall include in gross income for the income year an amount equal to the adjusted exploration expenditures with respect to such mines, and the amount so included in income shall be treated for purposes of this part as expenditures which (i) are paid or incurred on the respective dates on which the mines reach the producing state, and (ii) are properly chargeable to capital account.

(B) If subparagraph (A) does not apply with respect to any such mine, then the deduction for depletion under Section 24831 with respect to the property shall be disallowed until the amount of depletion which would be allowable but for this subparagraph equals the amount of the adjusted exploration expenditures with respect to such mine.

(2) (A) Any election under this subdivision shall be made in such

manner as the Franchise Tax Board may by regulations prescribe.

(B) The election provided by paragraph (1) for any income year may be made or changed not later than the time prescribed by law for filing the return (including extensions thereof) for such income year.

(c) If an election has been made under subdivision (a) with respect to expenditures relating to a mining property and the taxpayer receives or accrues a bonus or a royalty with respect to such property, then the deduction for depletion under Section 24831 with respect to the bonus or royalty shall be disallowed until the amount of depletion which would be allowable but for this subdivision equals the amount of the adjusted exploration expenditures with respect to the property to which the bonus or royalty relates.

(d) (1) Except as otherwise provided in this subdivision if mining property is disposed of the lower of—

(A) The adjusted exploration expenditures with respect to such property, or

(B) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value (in the case of any other disposition), over

(ii) The adjusted basis of such property,

shall be treated as gain from the sale or exchange of property. Such gain shall be recognized notwithstanding any other provision of this part.

(2) For purposes of paragraph (1)—

(A) In the case of the disposition of a portion of a mining property (other than an undivided interest), the entire amount of the adjusted exploration expenditures with respect to such property shall be treated as attributable to such portion to the extent of the amount of the gain to which paragraph (1) applies.

(B) In the case of the disposition of an undivided interest in a mining property (or a portion thereof), a proportionate part of the adjusted exploration expenditures with respect to such property shall be treated as attributable to such undivided interest to the extent of the amount of the gain to which paragraph (1) applies. This paragraph shall not apply to any expenditure to the extent the taxpayer establishes to the satisfaction of the Franchise Tax Board that such expenditure relates neither to the portion (or interest therein) disposed of nor to any mine, in the property held by the taxpayer before the disposition which has reached the producing stage.

(3) This subdivision shall apply notwithstanding any other provisions of this part.

(e) (1) The basis of any property shall not be reduced by the amount of any depletion which would be allowable but for the application of this section.

(2) The Franchise Tax Board shall prescribe such regulation as it may deem necessary to provide for adjustments to the basis of

property to reflect gain recognized under paragraph (1) of subdivision (d).

(f) For purposes of this section—

(1) The term “adjusted exploration expenditures” means, with respect to any property or mine—

(A) The amount of the expenditures allowed for the income year and all preceding income years as deductions under subdivision (a) to the taxpayer or any other person which are properly chargeable to such property or mine and which (but for the election under subdivision (a)) would be reflected in the adjusted basis of such property or mine, reduced by

(B) For the income year and for each preceding income year, the amount (if any) by which (i) the amount which would have been allowable for percentage depletion under Section 24832 or 24833 but for the deduction of such expenditures, exceeds (ii) the amount allowable for depletion under Section 24831

properly adjusted for any amounts included in gross income under subdivision (b) or (c) and for any amounts of gain to which subdivision (d) applied.

(2) The term “mining property” means any property (within the meaning of Section 614 of the Internal Revenue Code after the application of subsections (c) and (e) thereof) with respect to which any expenditures allowed as a deduction under paragraph (1) of subdivision (a) are properly chargeable.

(g) (1) In the case of any property or mine received by the taxpayer in a distribution with respect to part or all of its interest in a partnership, the adjusted exploration expenditures with respect to such property or mine include the adjusted exploration expenditures (not otherwise included under paragraph (1) of subdivision (f) of this section) with respect to such property or mine immediately prior to such distribution, but the adjusted exploration expenditures with respect to any such property or mine shall be reduced by the amount of gain to which Section 17912 applied realized by the partnership (as constituted after the distribution) on the distribution of such property or mine.

(2) In the case of any property or mine held by a partnership after a distribution to a partner to which Section 17912 applied, the adjusted exploration expenditures with respect to such property or mine shall, under regulations prescribed by the Franchise Tax Board be reduced by the amount of gain to which Section 17912 applied realized by such partner with respect to such distribution on account of such property or mine.

(h) (1) Subdivision (a) shall apply to any amount paid or incurred after December 31, 1970, with respect to any deposit of ore or other mineral located outside the United States, only to the extent that such amount, when added to the amounts which are or have been deducted under subdivision (a) of this section and subdivision (a) of Section 24837 and the amounts which are or have been treated as deferred expenses under subdivision (b) of Section 24837 or the

corresponding provisions of prior law, does not exceed four hundred thousand dollars (\$400,000).

(2) For purposes of paragraph (1), there shall be taken into account amounts deducted and amounts treated as deferred expenses by—

(A) The taxpayer, and

(B) Any individual or corporation who has transferred to the taxpayer any mineral property.

(3) Subparagraph (B) of paragraph (2) shall apply with respect to all amounts deducted and all amounts treated as deferred expenses which were paid or incurred before the latest such transfer from the individual or corporation to the taxpayer. Subparagraph (B) of paragraph (2) shall apply only if the taxpayer acquired any mineral property from the individual or corporation under circumstances which make Section 18135 of the Personal Income Tax Law, or subdivision (b) of Section 24504, Sections 24552, 24553, 24575, subdivision (a) of Section 24577, Section 24961, or 24988 apply to such transfer.

(i) This section shall apply with respect to exploration expenditures paid or incurred after December 31, 1970.

SEC. 26. Section 25553 of the Revenue and Taxation Code is amended to read:

25553. (a) Beginning with the calendar year 1965 and fiscal years beginning in 1965, in the case of taxpayers subject to the tax imposed by Article 3 of Chapter 2, there shall be due and payable on or before the 15th day of the third month following the close of the preceding year from each such taxpayer a percentage of its net income as disclosed by its return which is equal to the rate applicable to corporations subject to the tax imposed by Article 2 of Chapter 2 plus the personal property tax rate equivalent included in the bank and financial corporation tax rate determination by the Franchise Tax Board in December of the preceding year pursuant to Sections 23186 and 23186a, less the credit allowable by Section 23184. The payment by financial corporations, other than credit unions whose gross income is twenty thousand dollars (\$20,000) or less, shall not be less than the minimum tax of one hundred dollars (\$100). The payment by credit unions whose gross income is twenty thousand dollars (\$20,000) or less shall not be less than twenty-five dollars (\$25).

(b) For income years beginning after December 31, 1971, the one hundred dollars (\$100) specified in the second sentence of subdivision (a) shall be two hundred dollars (\$200) instead of one hundred dollars (\$100).

SEC. 27. Section 25563 of the Revenue and Taxation Code is amended to read:

25563. (a) If the amount of estimated tax with respect to which a declaration is required under Article 2.5 (commencing with Section 25441) of this chapter does not exceed one hundred dollars (\$100), or twenty-five dollars (\$25) in the case of a corporation described in paragraph (1) of subdivision (a) of Section 23153, the

entire amount of the estimated tax shall for income years ending on or before November 30, 1972 be due and payable on or before the 15th day of the sixth month of the income year.

(b) If the amount of estimated tax exceeds one hundred dollars (\$100), or twenty-five dollars (\$25) in the case of a corporation described in paragraph (1) of subdivision (a) of Section 23153, the amount payable shall for income years ending on or before November 30, 1972 be paid in two installments as follows—

(1) Fifty percent of the estimated tax, but not less than the minimum tax provided in Section 23153, shall be paid on or before the 15th day of the sixth month of the income year, and

(2) Twenty-five percent of the estimated tax shall be paid on or before the 15th day of the 11th month of the income year.

(c) If the amount of estimated tax does not exceed two hundred dollars (\$200), or twenty-five dollars (\$25) in the case of a corporation described in paragraph (1) of subdivision (a) of Section 23153, the entire amount of the estimated tax shall for income years beginning after December 31, 1971 be due and payable on or before the 15th day of the fourth month of the income year.

(d) If the amount of estimated tax exceeds two hundred dollars (\$200), or twenty-five dollars (\$25) in the case of a corporation described in paragraph (1) of subdivision (a) of Section 23153, the amount payable shall for income years beginning after December 31, 1971 be paid in installments as follows:

If the requirements of this subdivision are first met—	The following percentages of the estimated tax shall be paid on the 15th day of the—			
	4th month	6th month	9th month	12th month
Before the 1st day of the 4th month of the income year..	25 (but not less than the minimum tax provided in Section 23153)	25	25	25
After the last day of the 3rd month and before the 1st day of the 6th month of the income year	—	33⅓	33⅓	33⅓
After the last day of the 5th month and before the 1st day of the 9th month of the income year	—	—	50	50

After the last day of the
 8th month and before the
 1st day of the 12th month
 of the income year — — — 100

SEC. 28. Section 25563.2 of the Revenue and Taxation Code is amended to read:

25563.2. At the election of the taxpayer, any installment of the estimated tax required by subdivision (d) of Section 25563, may be paid before the date prescribed for its payment.

SEC. 29. Section 25669 of the Revenue and Taxation Code is amended to read:

25669. A certificate by the Franchise Tax Board or the board, as the case may be, of the mailing of the notices specified in this article shall be prima facie evidence of the giving of the notices.

SEC. 30. Section 25933 of the Revenue and Taxation Code is amended to read:

25933. If any taxpayer fails or refuses to furnish any information requested in writing by the Franchise Tax Board or fails or refuses to make and file a return required by this part upon notice and demand by the Franchise Tax Board, then, unless the failure is due to reasonable cause and not willful neglect, the Franchise Tax Board may add a penalty of 25 percent of the amount of tax determined pursuant to Section 25731 or of any deficiency tax assessed by the Franchise Tax Board concerning the assessment of which the information or return was required.

SEC. 31. Section 25957 is repealed.

SEC. 32. Section 26481 of the Revenue and Taxation Code is amended to read:

26481. All moneys received by the State Treasurer from the Franchise Tax Board representing amounts imposed by this part shall be deposited by him in a special fund in the State Treasury, to be designated the Bank and Corporation Tax Fund, and moneys in said fund shall, upon the order of the Controller, be transferred into the General Fund of the state, or drawn therefrom for the purpose of refunding to taxpayers hereunder. For purposes of accounting, such moneys shall be treated by the state as earned during the year of receipt.

SEC. 33. Sections 10 and 30 of the act shall become operative January 1, 1974.

SEC. 34. The amendments to Section 23402 made by this act are intended to clarify the meaning and application of Section 23402 and not to impose new or different requirements.

SEC. 35. It is the intent of the Legislature that the provisions of Sections 2 and 3 of this act be applied in the calculation of open-space subventions for the 1972-1973 fiscal year and fiscal years thereafter.

SEC. 36. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions relative to the elimination of the assessed value of the right to extract oil, gas or other hydrocarbons from open-space calculations apply to open-space subventions for the 1972-1973 fiscal year and fiscal years thereafter, this act must go into immediate effect.

CHAPTER 1238

An act to add Section 125.5 to the Business and Professions Code, relating to injunctions.

[Approved by Governor December 13, 1972 Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 125.5 is added to the Business and Professions Code, to read:

125.5. The superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required. As used in this section, "board" includes commission, bureau, division and agency.

The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other section of this code.

CHAPTER 1239

An act to amend Section 1085 of the Education Code, relating to driver training.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 1085 of the Education Code is amended to read:

1085. The governing board of a school district maintaining a high school or high schools, a county superintendent of schools, and the California Youth Authority and State Department of Education in

providing programs of high school education, may prescribe regulations determining who can profit by and who shall receive instruction in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education. Where driver training is provided, such course of instruction shall be given in one or more of the grades 9, 10, 11, or 12. Pupils shall be at least 15 years and six months of age at the time of completion of a driver training course.

CHAPTER 1240

An act to add Article 17 (commencing with Section 429.60) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to public health.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 17 (commencing with Section 429.60) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 17. Medical and Health Care for the Aging

429.60. The state department shall maintain a program to promote availability of medical and health care for the aging. The state department may contract with public or private organizations for conducting pilot projects designed to determine the most effective and most efficient methods of providing medical and health care services for the aging.

For purposes of this article, the term "aging" means persons who are eligible for old age benefits under the Social Security Act. Such program may include, but is not limited to:

(a) Technical and financial assistance to local agencies for pilot projects developing or testing new or innovative systems for assuring the availability of medical and health care for the aging. Pilot projects may include, but are not limited to:

- (1) Mobile health clinics.
- (2) Mobile health teams.
- (3) Patient transportation systems.
- (4) Patient surveillance and referral systems.

(b) Studies of the health and medical care of the aging of the state.

(c) Coordination with similar programs of the federal government, other states, and public or private organizations.

(d) Development of recommendations for improved systems of medical and health care.

(e) Collection and summarization of statistics describing needs for and effectiveness of various methods of providing health and medical care.

429.61. It is the intent of the Legislature that the California Commission on Aging be the coordinating agency of all programs for the aging in this state, except those programs designated elsewhere by the Governor or Legislature. It is further the intent of the Legislature that the commission cooperate with the state department to evaluate and further coordinate programs for outpatient medical services for the aging.

429.62. The California Commission on Aging shall allocate 5 percent of community grant funds pursuant to Title III of the Older Americans Act of 1965, as amended, (P.L. 89-73; 79 Stat. 218) or forty thousand dollars (\$40,000), whichever is the lesser amount, to experiment with the use of available mobile medical services units to provide outpatient medical care for the aging.

429.63. The California Commission on Aging shall report to the Legislature not later than January 1, 1974, concerning the effectiveness of mobile health units and other programs designed to insure that outpatient medical services are readily available to the aging.

CHAPTER 1241

An act to add Section 23428.20 to the Business and Professions Code, and to amend Section 172d of the Penal Code, relating to alcoholic beverages.

[Approved by Governor December 13, 1972. Filed with Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.20 is added to the Business and Professions Code, to read:

23428.20. For the purposes of this article "club" also means any bona fide nonprofit corporation which has been in existence for not less than nine years, which has more than 8,500 memberships issued and outstanding to owners of condominiums and owners of memberships in stock cooperatives, and which owns, leases, operates or maintains recreational facilities for its members.

The provisions of Section 23399 and the numerical limitation of Section 23430 shall not apply to such a club.

No license shall be issued pursuant to this section to any club which

withholds membership or denies facilities or services to any person on account of race, color, creed, religion, national origin, or sex.

SEC. 2. Section 172d of the Penal Code is amended to read:

172d. 1. Every person who, within one mile of that portion of the grounds at Riverside (hereinafter described) belonging to the University of California, that will be used by the College of Letters and Sciences, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100), or by imprisonment for not less than 50 days or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest vehicular road or roads connecting the points in question.

4. The portion of the grounds of the University of California referred to in paragraph 1 are situated in the County of Riverside and more particularly described as follows: beginning at the intersection of Canyon Crest Drive and U.S. Highway 60, thence southeasterly along said highway to a point opposite the intersection of said U.S. Highway 60 and Pennsylvania Avenue, thence northeasterly following centerline of present drive into University campus, thence continuing north along said centerline of drive on west side of Citrus Experiment Station buildings to a point intersecting the present east-west road running east from intersection of Canyon Crest Drive and U.S. Highway 60, thence east 500 feet more or less, thence north 1,300 feet more or less, thence east to intersection of east boundary of the Regents of the University of California property (Valencia Hill Drive), thence north along said east boundary to the north boundary of the Regents of the University of California property (Linden Street), thence west along said north boundary to the west boundary of the Regents of the University of California property (Canyon Crest Drive) thence south along said west boundary to the point of beginning.

CHAPTER 1242

An act to repeal Article 2 (commencing with Section 8340) and Article 3 (commencing with Section 8350) of Chapter 5.5, Division 1, Title 2 of, and to add Article 2 (commencing with Section 8340) and Article 3 (commencing with Section 8350) to Chapter 5.5, Division 1, Title 2 of, the Government Code, relating to world trade.

[Approved by Governor December 13, 1972 Filed with
Secretary of State December 13, 1972]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 8340), Chapter 5.5, Division 1, Title 2 of the Government Code, is repealed.

SEC. 2. Article 2 (commencing with Section 8340) is added to Chapter 5.5, Division 1, Title 2 of the Government Code, to read:

Article 2. Policy

8340. It is hereby declared to be the general policy of the State of California to foster and develop international trade for the benefit of the entire state with particular emphasis on the export of the natural, processed, and manufactured products of this state.

It is further declared that the fostering and developing of international trade between California and foreign countries is for the benefit of the entire state and is accordingly a statewide public purpose.

SEC. 3. Article 3 (commencing with Section 8350) of Chapter 5.5, Division 1, Title 2 of the Government Code is repealed.

SEC. 4. Article 3 (commencing with Section 8350) is added to Chapter 5.5, Division 1, Title 2 of the Government Code, to read:

Article 3. World Trade Services

8350. The Division of World Trade shall directly, or, if possible, by contract with existing agencies or organizations, collect, publish and distribute world trade statistics pertaining to California.

8351. The Division of World Trade shall directly, or, if possible, by contract with existing agencies or organizations, publish biennially a directory listing products available from California and firms engaged in exporting in the State of California.

8352. The Division of World Trade shall directly, or, if possible, by contract with existing agencies and organizations, process trade leads and answer inquiries about California industry, transportation, agriculture and banking.

8353. The Division of World Trade may directly, or, if possible, by contract with existing agencies and organizations, undertake other activities determined necessary by the Commission for Economic Development for the maximum development of California's world trade, with emphasis on exports, without duplicating any activity or function adequately provided by existing agencies or organizations.

8354. Any contracts with existing agencies or organizations entered into pursuant to this article shall be paid for from funds available for that purpose.

CHAPTER 1243

*An act relating to disposition and leasing of property by the
Director of General Services.*

[Approved by Governor December 13, 1972 Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to sell, exchange, or lease for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 156 acres of land located at the southeast corner of State Highway 190 and Hospital Road, being a portion of Porterville State Hospital in Tulare County.

Parcel 2. Approximately 12.6 acres of land located at the northwest corner of Imperial Highway and Bloomfield Avenue, being a portion of Metropolitan State Hospital in the City of Norwalk, Los Angeles County.

Parcel 3. Approximately 143 acres of land located west of State Highway 12, being a portion of Sonoma State Hospital in Sonoma County.

Parcel 4. Approximately 10.99 acres of land located in Section 19, T. 7 S., R. 8 E., M.D.B.M. in the County of Stanislaus being a portion of property acquired for the Orestimba Wayside Park.

Parcel 5. Approximately 1.65 acres of land located at 542 West Stockton Road in Sonora being the former forestry headquarters.

Parcel 6. Approximately 40 acres of land located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10, T. 11 N., R. 16 W., S.B.M. in the County of Kern being a portion of land used by the California Institution of Women at Tehachapi.

Parcel 7. Approximately 881 acres of farm and watershed land in Talmage, Mendocino County being a portion of the Mendocino State Hospital.

Parcel 8. Approximately 165 acres of land located in Section 14, T. 26 S., R. 12 E., M.D.B.M. in the County of San Luis Obispo, being the Paso Robles School for Boys.

Parcel 9. Approximately 1,100 acres of land near San Andreas, Calaveras County, being the Fricot Ranch School for Boys.

Parcel 10. Approximately 42.5 acres of land being the former Cedar Creek Fish Hatchery located in Section 14, T. 23 N., R. 17 W., M.D.B.M., near Leggett in Mendocino County.

Parcel 11. Approximately 10 acres of land located in Section 9, T. 1 S., R. 5 E., S.B.M. near Yucca Valley in the County of San Bernardino which was a bequest to Humboldt State College.

SEC. 2. Notice of every public auction or bid opening shall be

posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated. The Director of General Services is authorized and directed to take such additional actions to further publicize the public auction or bid opening as in his opinion are appropriate considering the value of or potential public interest in the real property to be sold.

SEC. 3. The following funds are appropriated for the purposes of this act:

(a) Any money received from the disposition of Parcels 1 to 9, inclusive, shall be paid into the General Fund.

(b) Any money received from the disposition of Parcel 10 shall be paid into the Wildlife Restoration Fund.

(c) Any money received from the disposition of Parcel 11 shall be paid into the Scholarship Fund of Humboldt State College.

(d) Any cost or expense incurred in the disposition of any parcel shall be reimbursed from the proceeds of such disposition.

(e) Funds appropriated in Item 301 of the Budget Act of 1972 shall be available for acquisition of property under Section 10 of this act.

SEC. 4. Oil, gas and other mineral rights may be sold if in the opinion of the Director of General Services the values of such rights are nominal. If said rights below a depth of 500 feet have value, they shall not be sold.

SEC. 5. To insure that the state receives fair market rental during the entire term, any lease of any parcel described in Section 1 with a firm term in excess of five years shall provide that the amount of rental payable to the state shall be subject to recalculation to the satisfaction of the state at intervals of not less than every five years.

SEC. 6. The Director of General Services, with the approval of the Director of Parks and Recreation and the State Public Works Board, is hereby authorized to exchange, in the best interests of the state, approximately 18 acres of land at Santa Monica Mountains State Park in Los Angeles County for lands of equal value for the purposes of realigning boundaries.

SEC. 7. The Director of General Services is hereby authorized to enter into a lease for a term not to exceed 35 years for a state office building in the Santa Rosa Urban Renewal Area, with title to the leased premises to pass to the state at the end of the lease term without further payment.

SEC. 8. The Director of General Services is hereby authorized to lease for a term not to exceed 35 years state-owned property located on Hedding Street in the northern portion of the San Jose Civic Center, provided that the lessee is required to construct an office building on the property for use of the state during the term thereof, with facilities vesting in the state at the expiration of the above term or earlier, without further payment.

SEC. 9. The Director of General Services, with the approval of the State Public Works Board, is authorized to exchange state-owned property at the southeast corner of Broadway and Chestnut Avenue

in Long Beach for property owned by the City of Long Beach upon such terms and conditions, as in his opinion, may be for the best interest of the state. The Director of General Services is hereby authorized to enter into a lease for a term not to exceed 35 years for a state office building in Long Beach on the property to be acquired from the City of Long Beach as authorized herein with title to the leased premises to pass to the state at the end of the lease term without further payment.

SEC. 10. The Department of General Services with the approval of the Department of the California Highway Patrol and the State Public Works Board is authorized to acquire surplus lands from the Department of Public Works, Division of Highways which in turn may be exchanged for lease rights the City of Los Angeles may have on property under jurisdiction of the United States Army Corps of Engineers.

SEC. 11. The Director of General Services with the approval of the Director of Parks and Recreation and the State Public Works Board is authorized to exchange state-owned property in the Anza-Borrego Desert State Park for property owned by the Orange Empire Council, Boy Scouts of America, upon such terms and conditions, as in his opinion, may be for the best interest of the state.

SEC. 12. The Director of General Services with the approval of the Director of Parks and Recreation and the State Public Works Board is authorized to exchange approximately 15.10 acres located in portions of Sections 19 and 20, Township 14 North, Range 14 West, M.D.B.M., in Mendocino County adjacent to State Highway 128, approximately six miles northwest of Philo being the Indian Creek State Reserve, with the County of Mendocino for approximately 9.45 acres at Howard Creek being that portion of the existing State Highway Route 1, relinquished to the County of Mendocino by Relinquishment No. 1085, dated August 15, 1972.

CHAPTER 1244

An act to amend Section 3915.5, as added by Section 5 of Chapter 1137 of the Statutes of 1970, to amend Sections 3920, 3930, and 3940 of, to add Section 3926 to, and to repeal Section 3922 of, the Business and Professions Code, relating to nursing home administration.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3915.5 of the Business and Professions Code, as added by Section 5 of Chapter 1137 of the Statutes of 1970, is amended to read:

3915.5. After June 30, 1973, the board shall meet not more than

six times each year without prior approval of the Director of the Department of Health. All regular and special meetings of the board shall be preceded by 30 days' notice to the public. Such meetings shall be held in places readily accessible to the public and, whenever possible, in public buildings.

SEC. 2. Section 3920 of the Business and Professions Code is amended to read:

3920. In order to apply for a license, a person shall make application to the board on a form approved by the board, pay the application fee established by the board, and meet all of the following qualifications:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.
- (c) Have successfully completed an approved general education course of study as determined by the board or have comparable background and experience or a comparable combination of general education, background and experience, as determined by the board.

SEC. 3. Section 3922 of the Business and Professions Code is repealed.

SEC. 4. Section 3926 is added to the Business and Professions Code, to read:

3926. Upon filing a request therefor containing such information as the board may require, and the payment of the fee for a duplicate license fee, the board may issue to any person licensed under this chapter a duplicate license to reflect a change of name, or to replace a license which has been lost, destroyed, damaged, defaced, or mutilated.

SEC. 5. Section 3930 of the Business and Professions Code is amended to read:

3930. The board may deny, or may suspend or revoke, a license upon any of the following grounds:

- (a) Gross negligence.
- (b) Incompetence.
- (c) The conviction of any crime involving moral turpitude, dishonesty, or corruption, whether the act is committed in the course of the individual's activities as a licensee, or otherwise, or whether the act is a felony or a misdemeanor. A conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(d) Using fraud or deception in applying for a license or in taking the examination provided for in this chapter.

(e) Treating or attempting to treat any physical or mental condition without being currently licensed to do so.

(f) Violating Section 650 of the Business and Professions Code, any provision of this chapter or any rule or regulation of the board adopted pursuant to this chapter.

(g) Lack of any qualification requirement for the license.

SEC. 6. Section 3940 of the Business and Professions Code is amended to read:

3940. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a nursing home administrator's license is not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50).

(b) The initial fee for a license is not less than fifty-five dollars (\$55) nor more than one hundred dollars (\$100).

(c) The renewal fee is not less than fifty-five dollars (\$55) nor more than one hundred dollars (\$100).

(d) The delinquency fee is 50 percent of the renewal fee.

(e) The reexamination fee is not less than ten dollars (\$10) nor more than thirty dollars (\$30).

(f) The administrator-in-training permit fee is not less than twenty-five dollars (\$25) nor more than seventy-five dollars (\$75).

(g) The duplicate license fee is not less than two dollars (\$2) nor more than ten dollars (\$10).

The board shall fix the fees, within the limits of the amounts prescribed in subdivision (a), (b), (c), (e), (f), and (g) in such amounts as it determines are reasonably necessary to provide sufficient funds to carry out the purpose of this chapter.

CHAPTER 1245

An act relating to educational programs.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to establish a pilot program whereby a dropout prevention program based upon a furlough plan may be tested.

SEC. 2. The State Board of Education shall designate one school district in which the plan authorized by this act may be established.

SEC. 3. The governing board of the school district designated by the State Board of Education shall establish an experimental dropout prevention program for students in grades 10, 11, and 12, in which pupils who, because of a lack of motivation or economic necessity have sporadic attendance, low academic achievement, or unacceptable school adjustment habits, may be placed on a guidance-oriented planned furlough program from regular full-time school attendance in order to maintain a pupil school relationship and the potential for graduation from high school.

SEC. 4. Such a program of community volunteer service or industrial skill and technical training may be provided in whole or in part at business and industrial locations within or outside of the school district.

SEC. 5. The full-time or part-time educational furlough may not exceed a period of one year at which time upon return to school the pupil's voluntary or paid experience shall be evaluated by a committee of the school district and credit toward graduation requirements shall be authorized for those experiences which are directly aligned with the school district curriculum. The General Educational Development Test may be used for this purpose.

SEC. 6. For those pupils who require only part-time attendance to complete graduation requirements, a part-time educational furlough not to exceed one year may be authorized by the school district for voluntary community service, paid business or industrial experience, directed independent research, or study and may be evaluated by a committee of the school district for credit toward graduation from high school.

SEC. 7. A district average of not more than 20 pupils per high school may be on educational furloughs during any school year.

SEC. 8. The Superintendent of Public Instruction shall allow to the school district the sum of one hundred dollars (\$100) per year for each pupil participating on a full-time educational furlough pursuant to this act.

For the purpose of any state apportionment to school districts the amount of which is determined on the basis of pupil attendance, a pupil participating in a full-time educational furlough pursuant to this act shall not be counted in calculating the pupil attendance of the district.

SEC. 9. The experimental program conducted pursuant to this act shall be of three years' duration. The program shall not begin until the governing board of the school district submits a detailed program to the Superintendent of Public Instruction and the program is approved by him.

SEC. 10. The district participating in the experimental program conducted pursuant to this act shall submit a report on such program including an evaluation thereof, annually to the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall provide a report evaluating the operation and results of the program to the Legislature upon the completion of the program.

CHAPTER 1246

An act to amend Section 53703 of the Government Code, relating to federal aid.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 53703 of the Government Code is amended to read:

53703. A county or city may do all acts necessary to participate in all programs authorized by a federal housing act, including the Demonstration Cities and Metropolitan Development Act of 1966 or any other federal program whereby federal funds are granted to the county or city or any of its residents for purposes of health, education, welfare, public safety, law enforcement activities which have not been preempted by state law, prevention or reduction of crime, rehabilitation of persons convicted of crime or juvenile offenders, public works or community improvement, including, without limitation thereto, contracting and cooperating with the federal government, the state and its agencies, other local public agencies and private persons and corporations, and may make any expenditure of county or city funds required for such participation.

A county or city may, through its officers and employees, also provide any or all necessary services to any housing authority with regard to which the governing body of the county or city has made a declaration of necessity pursuant to Article 2, Chapter 1, Part 2, Division 24 of the Health and Safety Code.

Where the authority to perform any act or service is delegated to a city or county by this section, the city or county may perform such act or service by means of a contract with an independent contractor, which independent contractor may be a public or private agency or private person.

This section shall not be construed to operate as a grant of authority in compliance with any federal act or program requiring the adoption of specific enabling legislation nor shall it be construed to supersede any such legislation.

CHAPTER 1247

An act to amend Section 217 of the Health and Safety Code, and to amend Section 21714 of the Vehicle Code, relating to medical aid.

[Approved by Governor December 13, 1972 Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 217 of the Health and Safety Code is amended to read:

217. All policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, ocean and public beach lifeguards, and firemen in this state shall be trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation. The training shall meet the standards for first aid training prescribed by the state department and shall be satisfactorily completed by such policemen,

sheriffs, deputy sheriffs, members of the California Highway Patrol, ocean and public beach lifeguards, and firemen, as soon as practical, but in no event more than one year after the date of employment. Satisfactory completion of a refresher course approved by the state department in cardiopulmonary resuscitation each year and in other first aid every three years shall also be required.

The state department shall designate a public agency or private nonprofit agency to provide for each county the training required by this section. Such training shall be provided at no cost to the trainee.

This section shall not apply to policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen whose duties are primarily clerical or administrative.

As used in this section, "ocean and public beach lifeguard" means any regularly employed and paid officer, employee, or member of a public aquatic safety department or marine safety agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state.

As used in this section, "fireman" means any regularly employed and paid officer, employee, or member of a fire department or fire protection or firefighting agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state or member of an emergency reserve unit of a volunteer fire department or fire protection district.

SEC. 2. Section 21714 of the Vehicle Code is amended to read:

21714. No owner of a publicly or privately owned ambulance shall permit the operation of such ambulance in emergency service unless the attendant on duty therein or, if there is no attendant on duty therein, the operator possesses evidence of such specialized training prescribed by the commissioner, pursuant to recommendations of the State Health Department, as is reasonably necessary to insure that such attendant or operator is competent to care for sick or injured persons who may be transported by such ambulance. The commissioner may issue rules and regulations to implement this section.

This section shall not be applicable in any state of emergency when it is necessary to fully utilize all available ambulances in an area and it is not possible to have each ambulance operated or attended by persons with the qualifications required by this section.

CHAPTER 1248

An act to amend Section 8046 of, and to add Article 14 (commencing with Section 8500) to Chapter 2 of Part 3 of Division 6 of, the Fish and Game Code, relating to commercial fishing.

[Approved by Governor December 13, 1972. Filed with Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents (\$0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1974.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

SEC. 2. Article 14 (commencing with Section 8500) is added to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, to read:

Article 14. Tidal Invertebrates

8500. No mollusks, crustaceans, or other invertebrates may be taken for commercial purposes in any tide pool or tidal area, including tide flats or other areas between the high tidemark and 1,000 feet beyond the low tidemark, without a revocable permit issued by the department. The taking of mollusks, crustaceans, or other invertebrates pursuant to this section shall be under such regulations as the commission shall prescribe, which shall be consistent with the provisions of this chapter.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to make funds available to the Marine Research Committee pursuant to the provisions of this act before the normal effective date of legislation enacted at the current session of the Legislature, and thus insure that the programs of the committee will not be interrupted for lack of funds, and in order to protect the rapidly declining invertebrate population in prescribed areas of the state as soon as possible, it is necessary that this act go into immediate effect.

CHAPTER 1249

An act to establish a correctional training center.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby established in the Department of Corrections a correctional training center for the purpose of developing and maintaining the highest level of proficiency among correctional personnel in both the Department of Corrections and the Department of the Youth Authority.

SEC. 2. The Department of Corrections and the Department of the Youth Authority, jointly, shall develop a training plan, with training to commence on or about January 1, 1973.

CHAPTER 1250

An act to amend Section 9902.6 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor December 13, 1972. Filed with
Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9902.6 of the Business and Professions Code is amended to read:

9902.6. The provisions of this chapter shall not apply to any person engaged in the business of management consulting and who in the course of said business acts solely on behalf of, and is compensated solely by, an employer to identify, appraise or recommend an individual or individuals for consideration for a management position, provided that:

(a) The minimum first-year starting salary for each such position is at the rate of not less than twenty thousand dollars (\$20,000) per year.

(b) In no instance is the individual who is identified, appraised, or recommended for consideration for such position charged a deposit, retainer, or fee directly or indirectly in connection with such identification, appraisal, or recommendation, or for registration or for preparation of any resume, or on account of any other personal service performed by the person engaged in the business of management consulting and who in the course of said business is retained by the employer to identify, appraise, or recommend individuals for a management position.

(c) In no instance does the person engaged in management

consulting advertise positions for which the minimum first-year starting salary is at the rate of less than twenty thousand dollars (\$20,000) per year, or that any of the fees mentioned in subdivision (b) are charged by such person.

CHAPTER 1251

An act to amend Section 316 of, and to add Sections 313 and 313.5 to, the Business and Professions Code, relating to consumer protection.

[Approved by Governor December 13, 1972. Filed with Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 313 is added to the Business and Professions Code, to read:

313. The director may provide for the establishment of a comprehensive library of books, documents, studies, and other materials relating to consumers and consumer problems.

SEC. 2. Section 313.5 is added to the Business and Professions Code, to read:

313.5. The director may periodically publish a bibliography of consumer information available in the department library and elsewhere. Such bibliography shall be sent to subscribers upon payment of a reasonable fee therefor.

SEC. 3. Section 316 of the Business and Professions Code is amended to read:

316. (a) The Consumer Advisory Council consists of seven members appointed by the Governor, two of whom shall represent business, one of whom shall represent labor, two of whom shall represent voluntary consumer agencies, and two of whom shall be public members.

(b) One Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly shall meet with, and participate in, the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For the purposes of this chapter such Members of the Legislature shall constitute a joint legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

CHAPTER 1252

An act to amend Section 1208 of the Penal Code, relating to prisoners.

[Approved by Governor December 13, 1972. Filed with Secretary of State December 13, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1208 of the Penal Code is amended to read: 1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

Notwithstanding any other provision of law, the board of supervisors may by ordinance designate a facility for confinement of prisoners classified for the work furlough program and designate the work furlough administrator as the custodian of the facility. The sheriff may transfer custody of such prisoners to the work furlough administrator to be confined in such facility for the period during which they are in the work furlough program.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that

such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, and for family emergencies or pressing business which would result in severe hardship if the release were not granted.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff,

and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational and educational training and counseling; and psychological, drug abuse, alcoholic and other rehabilitative counseling; "educator" includes a person or institution providing such training or counseling.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

CHAPTER 1253

An act to amend Sections 11552, 13975, 13990, 13990.1, 13990.2, 13990.4, 13990.6, and 13990.7 of, to amend the heading of Part 5 (commencing with Section 14000) of Division 3 of Title 2 of, to amend and renumber Section 13993 of, to add Sections 13993, 13993.1, and 13993.2 to, to add a part heading and a chapter heading immediately preceding Section 13990 of, to add Sections 13990.9 and 13991 to, to add a chapter heading immediately preceding Section 13992 of, to add Chapter 3 (commencing with Section 13995) to Part 4.6 of Division 3 of Title 2 of, to add Chapter 1 (commencing with Section 14000) to Part 5 of Division 3 of Title 2 of, to add Chapter 2.5 (commencing with Section 65080) to Title

7 of, to repeal Sections 13992 and 13994 of, to repeal the heading of Chapter 2 (commencing with Section 13990) of Part 4.5 of Division 3 of Title 2 of, to repeal the heading of Chapter 3 (commencing with Section 13992) of Part 4.5 of Division 3 of Title 2 of, and to repeal Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 2 of, the Government Code, to amend Sections 21006.5, 21007, 21008, 21215, and 21224 of, to add Section 21682.5 to, and to repeal Sections 21201, 21202, and 21203 of, the Public Utilities Code, to amend Sections 20, 183, and 210 of, to add Sections 185.5 and 194 to, to add Article 1 (commencing with Section 50) to Chapter 1 of Division 1 of, and to repeal Article 1 (commencing with Section 50) of Chapter 1 of Division 1 of, the Streets and Highways Code, relating to business and transportation.

[Approved by Governor December 14, 1972 Filed with
Secretary of State December 14, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 11552 of the Government Code is amended to read:

11552. An annual salary of thirty thousand dollars (\$30,000) shall be paid to each of the following:

- (a) Superintendent of Banks
- (b) Commissioner of Corporations
- (c) Director of Employment
- (d) Insurance Commissioner
- (e) Director of Transportation
- (f) Real Estate Commissioner
- (g) Savings and Loan Commissioner
- (h) Director of Social Welfare
- (i) Director of Water Resources
- (j) Director of Agriculture
- (k) Director of Corrections
- (l) Director of General Services
- (m) Director of Industrial Relations
- (n) Director of Motor Vehicles
- (o) Director of Youth Authority
- (p) Director of Health Care Services
- (q) Commissioner, California Highway Patrol
- (r) Members of the Public Utilities Commission
- (s) Director of Human Resources Development
- (t) Director of Alcoholic Beverage Control.

SEC. 2. Section 13975 of the Government Code is amended to read:

13975. There is in the state government the Business and Transportation Agency. The agency consists of the following: Department of Alcoholic Beverage Control; Department of the

California Highway Patrol; Department of Corporations; Department of Housing and Community Development; Department of Insurance; Department of Motor Vehicles; Department of Real Estate; Department of Savings and Loan; Department of Transportation; and the State Banking Department.

SEC. 3. The heading of Chapter 2 (commencing with Section 13990) of Part 4.5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 4. A part heading immediately preceding Section 13990 of the Government Code is added, to read:

PART 4.6. STATE TRANSPORTATION BOARD

SEC. 4.5. A chapter heading immediately preceding Section 13990 of the Government Code is added, to read:

CHAPTER 1. GENERAL DUTIES AND POWERS

SEC. 5. Section 13990 of the Government Code is amended to read:

13990. The Legislature finds and declares that the people of California have a fundamental and continuing interest in developing and operating transportation services and facilities which are consistent and compatible with orderly social and economic progress of the state. To provide the Secretary of the Business and Transportation Agency and the Legislature with advice and assistance in a broad overview of the effectiveness and compatibility of public programs in transportation in relation to other public programs and private enterprises, there is hereby established in the state government the State Transportation Board.

SEC. 6. Section 13990.1 of the Government Code is amended to read:

13990.1. "Board" as used in this part shall mean the State Transportation Board.

SEC. 7. Section 13990.2 of the Government Code is amended to read:

13990.2. There is in the state government the State Transportation Board. The board consists of seven members. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the board. Except as provided in Section 13990.7, the members shall hold office for terms of four years and until their successors are appointed.

Whenever a term expires or a vacancy occurs when the Legislature is not in session, the Governor shall appoint a successor to fill the vacancy. The Senate shall consider without further presentation any appointment made when the Legislature is not in session. If the Senate consents to any appointment, such person shall hold office to the end of the term to which appointed. If the Senate takes no final action on any appointment at the next regular session

of the Legislature following such appointment, the person so appointed shall hold office only until the adjournment of such session. If the Senate by final vote refuses to consent, the person so appointed shall hold office only until such refusal. One Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker thereof shall be ex officio members without vote and together shall constitute a Joint Legislative Committee on Transportation, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

SEC. 7.5. Section 13990.4 of the Government Code is amended to read:

13990.4. The appointed members of the board shall designate a chairman of the board by majority vote to preside at all meetings. He shall serve for a one-year term and may not serve more than two successive terms.

An executive secretary to the board shall be appointed by the Governor. The executive secretary shall administer the affairs of the board as directed by the board and shall serve at the pleasure of the board.

SEC. 8. Section 13990.6 of the Government Code is amended to read:

13990.6. The functions and duties of the board shall be to advise and assist the Secretary of the Business and Transportation Agency and the Legislature in formulating and evaluating state policy and plans for transportation programs within the state. In addition it shall perform the following specific duties:

(a) Direct the State Transportation Board Office.

(b) Request and review reports from the Director of Transportation and other sources as it may determine, pertaining to public financial participation in transportation system development, planning, construction, and operation, including the extent and nature of participation by local, regional, state, and federal governments.

(c) Review transportation plans for major portions of the overall statewide transportation system, including, but not limited to, such plans as the California Freeway and Expressway System, the State Aviation Master Plan, and regional plans developed by transportation planning agencies, and adopt a California Transportation Plan.

(d) Review the transportation implications of major statewide and regional comprehensive general plans, including, but not limited to, such plans as the State Environmental Goals and Policy Report, the State Parks and Recreation Plan, and the comprehensive plans of areawide planning agencies.

(e) Based upon such reviews of financing and master plans, present such advice and recommendations as it deems appropriate to the Secretary of the Business and Transportation Agency and the Legislature.

(f) Assist, if so requested, in the determination of geographic boundaries of regional transportation districts, utilizing wherever possible the logical groupings of cities and counties as established by existing planning agencies, and provide appropriate recommendations to the secretary and to the Legislature for their establishment.

(g) Assist any appropriate committee of the Legislature whose activities relate to the transportation field, if requested, in the field of overall balanced transportation, or any segment thereof.

(h) Review the annual budgets of the Department of Transportation for consistency with the California Transportation Plan and transmit them to the Department of Finance.

(i) Allocate all funds and review the expenditures of all funds appropriated from the Transportation Planning and Research Account in the State Transportation Fund for the purpose of transportation planning and research.

(j) Monitor progress on the implementation of the California Transportation Plan.

SEC. 9. Section 13990.7 of the Government Code is amended to read:

13990.7. The appointed positions on the board shall be vacant on the fourth day of February 1972. Seven persons shall be nominated and appointed pursuant to Section 13990.2 to fill such vacancies, and of these seven persons the nominator shall designate three who shall serve until March 16, 1973, two who shall serve until March 16, 1974, and two who shall serve until March 16, 1976.

SEC. 10. Section 13990.9 is added to the Government Code, to read:

13990.9. The board shall exercise its independent judgment and discretion in performing its functions and duties.

SEC. 10.2. Section 13991 is added to the Government Code, to read:

13991. The board, in cooperation with the Business and Transportation Agency, shall prepare and submit a report to the Legislature as requested by House Resolution No. 98 of the 1972 Regular Session of the Legislature. The report shall include:

(a) Provisions to insure that local communities will have adequate control over any future transportation development within their area.

(b) Provisions regarding the need for creation of regional authorities with the responsibility to implement that which is planned, taking into consideration the possibility of alternative approaches in view of significant differences among the several regions of the state.

(c) Provisions designating the authority and responsibilities for the construction, operation, and control of resource allocations for the various components of the total transportation system.

(d) Provisions designating the necessary changes to be made in planning practices, including a review of criteria to be used in the planning process.

Until authorized by the Legislature subsequent to the submission of the report, the board shall not allocate funds from the Transportation Planning and Research Account, nor shall the department undertake the development of the California Transportation Plan, including the regional transportation plans elements contained therein. It is not the intent of this section to interrupt or delay present state and regional transportation planning activities.

SEC. 10.4. The heading of Chapter 3 (commencing with Section 13992) of Part 4.5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 10.5. A chapter heading immediately preceding Section 13992 of the Government Code is added, to read:

CHAPTER 2. STATE TRANSPORTATION BOARD OFFICE

SEC. 10.6. Section 13992 of the Government Code is repealed.

SEC. 10.7. Section 13993 of the Government Code is amended and renumbered to read:

13992. There is in the State Transportation Board the State Transportation Board Office. The executive secretary of the board shall be in charge of the office and may appoint such staff personnel as are necessary to assist in carrying out the powers, duties, and purposes of the board and its office.

SEC. 10.8. Section 13993 is added to the Government Code, to read:

13993. The board may use unexpended balances of funds available for use by the Office of Transportation Planning and Research in connection with the functions of the office that are transferred to or vested in the board. Such funds shall be used by the board only for the purposes for which they were originally appropriated or otherwise made available or otherwise designated by law.

SEC. 10.9. Section 13993.1 is added to the Government Code, to read:

13993.1. All officers and employees of the Office of Transportation Planning and Research who, on July 1, 1973, are serving in the state civil service, and engaged in the performance of a function transferred to or vested in the board, shall be transferred to the board. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the board pursuant to the State Civil Service Act, except as to positions exempt from civil service in the office.

SEC. 10.10. Section 13993.2 is added to the Government Code, to read:

13993.2. The board shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys,

funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the Office of Transportation Planning and Research in connection with the functions of office that are transferred to or vested in the board.

SEC. 11. Section 13994 of the Government Code is repealed.

SEC. 11.5. Chapter 3 (commencing with Section 13995) is added to Part 4.6 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3. TRANSPORTATION PLANNING AND RESEARCH ACCOUNT

13995. The Transportation Planning and Research Account is hereby created in the State Transportation Fund.

13996. All moneys in the Transportation Planning and Research Account, and all moneys hereafter transferred or deposited in such account from any source, shall be available, when appropriated by the Legislature, for allocation by the board for transportation planning and research purposes, including, but not limited to, the following:

- (a) Statewide transportation system planning.
- (b) Matching funds for regional transportation system planning.
- (c) Transportation research projects of statewide interest.
- (d) Matching funds for regional transportation research projects.
- (e) Matching funds to obtain other funds for the above purposes.

13997. The amount allocated to a transportation planning agency designated in Section 29532 for the preparation or updating of a regional transportation plan pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 may be up to 70 percent of its nonfederally reimbursed costs for regional transportation planning.

13998. The Director of Transportation, in consultation with the board, shall prepare annually a report providing details regarding revenues in, and expenditures from, the Transportation Planning and Research Account, and shall submit the report to the Legislature at such time as the budget is submitted thereto by the Governor. In addition, the report shall explain the basis of the determinations made by the director under Section 21682.5 of the Public Utilities Code and Section 194 of the Streets and Highways Code, and shall provide a detailed justification of any appropriation sought from the Legislature for the purpose of defraying costs of that share of comprehensive transportation planning which is attributable neither to aviation planning and research, as determined under Section 21682.5 of the Public Utilities Code, nor to highway planning and research, as determined under Section 194 of the Streets and Highways Code.

SEC. 13. The heading of Part 5 (commencing with Section 14000) of Division 3 of Title 2 of the Government Code is amended to read:

PART 5. DEPARTMENT OF TRANSPORTATION

SEC. 14. Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 15. Chapter 1 (commencing with Section 14000) is added to Part 5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 1. GENERAL

Article 1. Legislative Intent

14000. The Legislature hereby finds and declares as follows:

(a) Continued growth in transport demand resulting from population growth, concentration of population in urban areas, and increasing mobility requirements indicate a need for innovative, as well as improved, systems to accommodate increased demand.

(b) The diversity of conditions in California is such as to require a variety of solutions to transportation problems within various areas of the state. Differences in population levels and densities, living patterns, social conditions, topography, climate, environmental circumstances, and other factors should be recognized in determining appropriate solutions to transportation problems in the various areas. Particular attention must be given to differences among the metropolitan, the less urbanized, and the more rural areas of the state. In some cases, future demands, particularly in urban corridors, may prove to be beyond the practical capabilities of a highway solution; while in other cases, environmental conditions may rule out a highway solution. In still other cases, heavy reliance upon highway transportation may prove to be satisfactory for the foreseeable future. Clearly, the appropriate mix of transportation modes throughout California to provide economical and efficient transportation service consistent with desires for mobility, will vary markedly from time to time and from area to area within the state.

In all cases, regional and local expressions of transportation goals, objectives, and policies which reflect the unique characteristics and aspirations of various areas of the state shall be recognized in transportation planning tempered, however, by consideration of statewide interests.

(c) A goal of the state is to provide adequate, safe, and efficient transportation facilities and services for the movement of people and goods at reasonable cost. The provision of adequate transportation services for persons not now adequately served by any transportation mode, particularly the disadvantaged, the elderly, the handicapped, and the young, should be an integral element of the planning process. Stimulation of the provision of transportation not only for speed and efficiency of travel, but also for convenience and enjoyment in shopping, school, cultural, and business pursuits, leisure time travel, and pedestrian travel, is also a state aim. It is the desire of the state to provide a transportation system that

significantly reduces hazards to human life, pollution of the atmosphere, generation of noise, disruption of community organization, and adverse impacts on the natural environment. The desirability of utilizing corridors for multimodal transportation, where possible to improve efficiency and economy in land use, is recognized. The coastal zone should be provided with optimal transportation services consistent with local and regional goals and plans, with the objective of conserving the coastal resource.

(d) The responsibilities for decisionmaking for California's transportation systems are highly fragmented. This has hampered effective integration of transportation planning and intermodal coordination. A comprehensive multimodal transportation planning process should be established which involves all levels of government and the private sector in a cooperative process to develop coordinated transportation plans.

(e) Accelerating change and increasing transportation problems require that California take timely action to maintain viable transportation systems. As long lead times are necessary to develop transportation systems, the planning and development of transportation in California should be coordinated by a Department of Transportation. A multimodal transportation department in state government is in keeping with the necessities of contemporary problems and the thrust of federal involvement. However, there is no intent to diminish or preempt the existing authorities and responsibilities of regional, local, and district transportation agencies in their handling of transportation matters which are local or regional in nature.

(f) The stimulation, continuance, and improvement of statewide, regional, and local transportation planning and development are a matter of state concern, and the state should, for this reason, provide a portion of the financial resources and assistance necessary to aid in preparing transportation plans, developing effective transportation decisionmaking processes, and carrying out implementation programs.

14000.5. The Legislature further finds and declares that the role of the state in transportation shall be to:

(a) Encourage and stimulate the development of urban mass transportation and interregional high-speed transportation where found appropriate as a means of carrying out the policy of providing balanced transportation in the state.

(b) Implement and maintain a state highway system which supports the goals and priorities determined through the transportation planning process, which is in conformity with comprehensive statewide and regional transportation plans, and which is compatible with statewide and regional socioeconomic and environmental goals, priorities and available resources.

(c) Assist in the development of an air transportation system that is consistent with the needs and desires of the public, and in which airports are compatible in location with, and provide services

meeting, statewide and regional goals and objectives.

(d) Encourage research and development of technological innovation in all modes of transportation in cooperation with public agencies and the private sector.

Article 2. Administration

14001. There is in the Business and Transportation Agency a Department of Transportation.

Any reference in any law or regulation to the Department of Public Works shall be deemed to refer to the Department of Transportation.

14002. The department is under the control of an executive officer known as the Director of Transportation.

14002.5. As used in this part, unless the context otherwise requires:

(a) "Department" means the Department of Transportation.

(b) "Director" means the Director of Transportation.

(c) "Secretary" means the Secretary of the Business and Transportation Agency.

(d) "Board" means the State Transportation Board.

14003. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550), Part 1 of this division.

14004. Before entering upon the duties of his office, the director shall execute an official bond to the state in the penal sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties.

14005. The director shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise expressly provided by law.

14006. There shall be within the department the position of Deputy Director of Transportation. The deputy director is appointed by the Governor, upon recommendation of the director, and shall serve at the pleasure of the director. The annual salary shall be fixed by the director in accordance with law. The deputy director shall have such duties as may be assigned to him by the director and he shall be responsible to the director for the performance of those duties.

14007. For the purpose of administration, the director shall organize the department with the approval of the Governor and the secretary in the manner that they deem necessary properly to segregate and conduct the work of the department.

The work of the department shall be divided into at least six divisions, known as the Division of Highways, Division of Aeronautics, Division of Mass Transportation, Division of Transportation Planning, Division of Administrative Services, and

the Legal Division.

With the approval of the Governor and the secretary, the director may create, change, or abolish such other divisions and subdivisions as may be necessary.

Any reference in any law or regulation to the Division of Bay Toll Crossings shall be deemed to refer to the department.

14008. The department succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research, with the exceptions of those functions and duties reserved to the board in Section 13990.6 on July 1, 1973.

14008.5. The department may use unexpended balances of funds available for use by the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research in connection with the functions of those organizations that are transferred to or vested in the department. Such funds shall be used by the department only for the purposes for which they were originally appropriated or otherwise made available or otherwise designated by law.

14009. All officers and employees of the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research who, on July 1, 1973, are serving in the state civil service, and engaged in the performance of a function transferred to or vested in the department, shall be transferred to the department. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the department pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research.

14010. The department shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research in connection with the functions of those organizations that are transferred to or vested in the department.

14010.5. The Governor, in the case of the Office of Transportation Planning and Research, shall make the final determination as to the proper division of personnel, property, and funds between the board and department for purposes of Sections 13993, 13993.1, 13993.2, 14008.5, 14009, and 14010.

14011. The department may expend money appropriated for the administration of the laws the enforcement of which is committed to the department. The department may expend such money for the

use, support, or maintenance of any appropriate state agency within the department.

Such expenditures by the department shall be made in accordance with law in carrying on the work for which the appropriations were made.

14012. The director may sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes, and may accept as all or part of the consideration for such sale or lease any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state.

14013. The director may lease nonoperating right-of-way areas to municipalities or other local agencies for public purposes, and may contribute toward the cost of developing local parks and other recreational facilities on such areas. The director may accept as all or part of the consideration for such lease or for such state contribution any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state. Such leases shall contain a provision that whenever the leased land is needed for state highway operating purposes the lease shall terminate. The department is authorized to classify portions of state highway right-of-way as nonoperating.

14014. The director may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, tools, or for rentals, property or services, wherein the license, permit, rental, property or service cannot lawfully be issued, furnished, or transferred to the person making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplicate.

Article 3. Activities

14030. The powers and duties of the department shall include, but not be limited to, the following activities:

(a) Coordinating and developing, in cooperation with local and regional entities, comprehensive balanced transportation planning and policy for the movement of people and goods within the state.

(b) Coordinating and assisting, upon request of, the various public and private transportation entities in strengthening their development and operation of balanced integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals.

(c) Developing, in cooperation with local and regional transportation entities, the full potential of all resources and opportunities which are now, and may become, available to the state and to regional and local agencies for meeting California's transportation needs, as provided by statute, tempered by

consideration of other relevant factors, including social, environmental, and community planning.

(d) Planning, designing, constructing, operating, and maintaining those transportation systems which the Legislature has made, or may make, the responsibility of the department; provided, that the department is not authorized to assume the functions of project planning, designing, constructing, operating, or maintaining transit, aviation, or maritime facilities without express prior approval of the Legislature.

(e) Coordinating and developing transportation research projects of statewide interest.

(f) Exercising such other functions, powers, and duties as are or may be provided for by law.

Article 4. California Transportation Plan

14040. The department shall prepare, subject to Section 13991, the California Transportation Plan directed at the achievement of a coordinated and balanced transportation system for the state, including, but not limited to, mass transportation, highway, aviation, maritime, and railroad facilities and services, whether public or private, that is consistent with the state's social, economic, and environmental needs and goals.

14040.2. The California Transportation Plan shall include regional transportation plans as prepared by regional transportation planning agencies pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7. The narratives of the regional transportation plans may be summarized in the California Transportation Plan in the interest of readability and brevity. The California Transportation Plan may include alternative recommendations for resolving issues of statewide interregional interest, including resource allocation where differences exist between regional transportation plans or where, within a regional transportation plan, a matter of statewide interregional interest has been omitted. Additionally, the department may make recommendations to promote consistency among regional transportation plans to the end that the California Transportation Plan will provide total system integration continuity and balance, and achieve equity on a statewide basis.

14040.4. The California Transportation Plan shall be submitted by the director to the board. The board shall hold public hearings on the plan, and shall solicit the views of the general public and of the various public and private entities affected. Any objections raised, including, but not limited to, inconsistencies, conflicts, or disagreements between regional transportation plans and the California Transportation Plan, shall be resolved by the board.

14040.6. The board shall adopt the California Transportation Plan and transmit it to the Legislature not later than January 1, 1976. However, the plan shall not be adopted by the board until the

Legislature has received, and approved or modified, the recommendations specified in subdivision (a) of Section 14042 by an act containing the approved or modified recommendations, which act shall constitute a legislative declaration of statewide transportation goals, objectives, and policies. The board shall adopt the California Transportation Plan only upon a finding that the plan is compatible with the declaration.

14040.7. After the adoption of the plan in accordance with Section 14040.6, but prior to the board's annual review of the department's budget, the director shall submit to the board annually, during the next succeeding two years, a proposed updating of the California Transportation Plan which includes the annual updated regional transportation plans required by Section 65080, along with a multiyear planning program. Thereafter, the proposed updating shall be submitted biennially. The board shall hold public hearings and adopt an updated California Transportation Plan in the same manner as required for the original plan. However, the board shall not adopt the updated plan unless it finds that the updated plan is compatible with the currently effective legislative declaration of statewide transportation goals, objectives, and policies.

14040.8. Upon adoption of the California Transportation Plan, the California Highway Commission, the California Toll Bridge Authority, the California Aeronautics Board, the secretary, the director, and the department shall act in accordance with the California Transportation Plan, and the regional transportation plans contained therein, in carrying out their respective powers and duties, except as otherwise provided by law.

14041. The California Transportation Plan shall include, but not be limited to, the following:

(a) Regional transportation plans as provided in Chapter 2.5 (commencing with Section 65080) of Title 7.

(b) Statewide transportation goals, objectives, and policies for all forms of transportation services, both public and private.

(c) Statewide forecasts of transportation needs and deficiencies.

(d) General transportation system of the state, including land, water, and air transportation, based on the studies of alternative plans and their evaluation as required by subdivisions (f) and (g) of Section 14041.5.

(e) Environmental impact statements for system planning as required by state and federal law.

(f) Statewide implementation program, including a schedule of improvement programs, an operations program, a financial plan, necessary policies and legislation for implementation of the California Transportation Plan, and the assignment of responsibilities and development of procedures for compliance with requirements of state and federal law regarding the preparation of environmental impact statements for project development.

14041.5. The California Transportation Plan shall be based on studies including, but not limited to, the following transportation planning practices:

(a) Inventories of travel desires, goods movements, and transportation facilities and equipment.

(b) Statutory requirements affecting transportation services.

(c) Financial resources for transportation planning, development, and operation.

(d) Plans and programs adopted by state agencies which affect transportation planning.

(e) Advanced concepts for transportation systems for consideration in alternative plans.

(f) Alternative plans based on varying assumptions of financial resources, levels of transportation services, and proper utilization of various modes.

(g) An evaluation of alternative plans considering the relationships between transportation and land use, taxation, environment, economic, and social factors, policies, and goals.

14041.7. In evaluating alternative plans, the following criteria shall be among those used:

(a) Economic, including operating costs, capital costs, revenues, impact on local economy and employment, and related public service costs.

(b) Land use, including support for development pattern policies, land absorption, and multiple use of corridors.

(c) Taxation, including tax base and equity.

(d) Environmental, including air and water quality, impact on soil, weather, landscape, wildlife, and natural resources, and noise, vibration, glare, and other effects.

(e) Social, including displacement, disruption and relocation, consistency with social objectives, and usability by various groups.

(f) System performance and level of service, including technological feasibility, flexibility, reliability, safety, mobility, accessibility, induced demand, amenity, and convenience.

14042. A report of progress on the California Transportation Plan shall be submitted by the director to the board not later than April 1, 1974. The board shall forward the report to the Legislature, with its recommendations, not later than July 1, 1974.

The progress report shall contain the following:

(a) Recommendations required by subdivision (b) of Section 14041 and recommendations regarding the regional goals and policy statements required by subdivision (a) of Section 65081.

(b) Proposed use of criteria listed in Section 14041.7, which shall guide the development and evaluation of the California Transportation Plan and its component studies.

(c) Information on the status of the organization of the department.

(d) Description of the work program, including recommended changes in transportation planning practices and progress in developing the California Transportation Plan. The description shall include an explanation of the current duties, responsibilities, and

working relations of the board staff, the agency, and the department and its several divisions with respect both to development of the California Transportation Plan and to other planning and research activities conducted by the board, the agency, and the department and its divisions.

(e) Recommendations regarding the need and desirability for statutory creation of regional transportation planning agencies in California, the appropriate geographic boundaries of such agencies as are found to be needed and desirable, and appropriate measures for their establishment.

(f) Preliminary proposals for effective state, regional, and local decisionmaking for transportation, including recommendations on the protection of local community interest in any future transportation development within the community's area, the designation of roles and responsibilities to implement the California Transportation Plan and regional transportation plans, and on proposals received under subdivision (c) of Section 65082.

14043. The progress report required in Section 14042 shall be updated and augmented to include the information called for by subdivisions (a), (b), and (c) of Section 14041.5, and shall be submitted by the director to the board for its approval and transmittal to the Legislature not later than January 1, 1975.

14044. The director is authorized to carry out such studies, inquiries, surveys, or analyses as may be relevant to his duties and in helping to implement the legislative policy declared in this chapter, and in developing recommendations for the Legislature. For these purposes, the director shall have full access to the relevant records of other state agencies and political subdivisions of the state, and may hold public hearings, and may cooperate with or contract with any public or private agencies, including educational, civic, and research organizations. Such studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research, and studies of federal, state, interstate, regional, metropolitan, and local agencies.

SEC. 16. Chapter 2.5 (commencing with Section 65080) is added to Title 7 of the Government Code, to read:

CHAPTER 2.5. REGIONAL TRANSPORTATION PLAN

65080. (a) Except as provided in subdivision (c), each transportation planning agency designated under subdivision (a) or (b) of Section 29532 shall prepare a proposed regional transportation plan directed at the achievement of a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, and aviation facilities and services, whether public or private, that is consistent with the region's and state's social, economic, and environmental needs and goals. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities,

counties, special districts, private organizations, and state and federal agencies.

(b) The proposed regional transportation plan shall be submitted to the governing body or designated policy committee of the transportation planning agency for adoption. Prior to adoption, a public hearing shall be held, after the giving of notice of such hearing by publication in the affected county or counties pursuant to Section 6061. The adopted plan shall be transmitted to the Department of Transportation not later than April 1, 1975. Thereafter, each transportation planning agency shall submit annually, during the next succeeding two years, and biennially thereafter, not later than April 1, an updated proposed transportation plan, along with the program described in subdivision (e) of Section 65081, to the governing body or designated policy committee of the transportation planning agency for adoption and transmittal to the department for incorporation, as appropriate, into the California Transportation Plan.

(c) A transportation planning agency designated under subdivision (b) of Section 29532 may have the regional transportation plan for the area under its jurisdiction prepared by the department by adopting a resolution to that effect prior to July 1, 1973. In such a case, Section 65080.5 shall be applicable to the agency.

65080.5. (a) For each area for which a transportation planning agency is designated under subdivision (c) of Section 29532, or adopts a resolution pursuant to subdivision (c) of Section 65080, the Department of Transportation, in cooperation with the transportation planning agency, and subject to subdivision (d), shall prepare the regional transportation plan, and the updating thereto, for that area and submit it to the governing body or designated policy committee of the transportation planning agency for adoption. Prior to adoption, a public hearing shall be held, after the giving of notice of such hearing by publication in the affected county or counties pursuant to Section 6061. The adopted plan, and the updating thereto, shall be submitted to the department pursuant to subdivision (b) of Section 65080.

(b) In the case of a transportation planning agency designated under subdivision (c) of Section 29532, the transportation planning agency may prepare the regional transportation plan for the area under its jurisdiction pursuant to this chapter, if the transportation planning agency, prior to July 1, 1973, adopts by resolution a declaration of intention to do so.

(c) Any transportation planning agency which did not elect to prepare the initial regional transportation plan for the area under its jurisdiction, may prepare the updated proposed regional transportation plan if it adopts a resolution of intention to do so at least one year prior to the date when the updated regional transportation plan is to be submitted to the department.

(d) If the department prepares or updates a regional

transportation plan pursuant to this section, the state-local share of funding the preparation or updating of the plan shall be calculated on the same basis as though the preparation or updating were to be performed by the transportation planning agency and funded under Sections 13996 and 13997.

65081. A regional transportation plan shall include, but not be limited to, the following:

(a) Regional transportation goals, objectives, and policies for all forms of transportation services, both public and private.

(b) Forecasts of transportation needs and deficiencies.

(c) The general transportation system of the region, including land, water, and air transportation, based on the studies of alternative plans and their evaluation as required by subdivisions (d) and (e) of Section 65081.5.

(d) An environmental impact statement for system planning as required by state and federal law.

(e) A program to carry out the items of areawide regional transportation interest formulated in a cooperative effort by cities, counties, and special districts within the region, including a schedule of improvements, an operations program, a financial plan, recommendations for any policies, ordinances, and legislation necessary for implementation of the regional transportation plan, and the assignment of responsibilities and development of procedures for compliance with requirements of federal and state law regarding the preparation of environmental impact statements for project development.

65081.5. A regional transportation plan shall be based on studies including, but not limited to, the following factors:

(a) Inventories of travel demands, goods movements, and transportation facilities and equipment.

(b) Financial resources for transportation planning, development, and operation.

(c) Advanced concepts for transportation systems for consideration in alternative plans.

(d) Alternative plans based on varying assumptions of financial resources, levels of transportation services, and proper utilization of various modes.

(e) An evaluation of alternative plans considering the relationships between transportation and economic, land use, taxation, environment, and social factors, policies, and goals. Among the criteria to be used in plan evaluation shall be the following:

(1) Economic, including operating costs, capital costs, revenues, impact on local economy and employment, and related public service costs.

(2) Land use, including support for development pattern policies, land absorption, and multiple use of corridor.

(3) Taxation, including tax base and equity.

(4) Environmental, including air and water quality, impact on soil, weather, landscape, wildlife, and natural resources, and noise,

vibration, glare, and other effects.

(5) Social, including displacement, disruption and relocation, consistency with social objectives, and usability by various groups.

(6) System performance and level of service, including technological feasibility, flexibility, reliability, safety, mobility, accessibility, induced demand, amenity, and convenience.

65082. A report containing the following shall be submitted by the transportation planning agency to the Department of Transportation not later than January 1, 1974.

(a) Information required by subdivision (a) of Section 65081, adopted by resolution of the policymaking body.

(b) A work program for preparing the regional transportation plan.

(c) A proposal for development of an effective regional transportation decisionmaking process.

(d) Recommendations concerning relationships between the transportation planning agency and the department.

65083. The State Transportation Board may adopt policy guidelines for the use of regional transportation planning agencies in the preparation of the regional transportation plans.

65084. In order to insure coordinated planning, development, and operation of transportation systems of all types and modes, the board of supervisors of each county may appoint a county director of transportation, and specify the extent of the responsibilities of such officer.

65085. The board of supervisors may designate any county officer who is properly qualified to serve as the county director of transportation.

SEC. 17. Section 21006.5 of the Public Utilities Code is amended to read:

21006.5. "Department" means the Department of Transportation.

SEC. 18. Section 21007 of the Public Utilities Code is amended to read:

21007. Whenever the term "department" or "Department of Aeronautics" is used in this part, it means the Department of Transportation.

Whenever the term "California Aeronautics Commission," "Division of Aeronautics," or "Department of Aeronautics" is used in any other law, it means the Department of Transportation.

SEC. 19. Section 21008 of the Public Utilities Code is amended to read:

21008. "Director" means the Director of Transportation.

Any reference in any law or regulation to the Director of Aeronautics shall be deemed to refer to the Director of Transportation.

SEC. 20. Section 21201 of the Public Utilities Code is repealed.

SEC. 21. Section 21202 of the Public Utilities Code is repealed.

SEC. 22. Section 21203 of the Public Utilities Code is repealed.

SEC. 23. Section 21215 of the Public Utilities Code is amended to read:

21215. There is in the Department of Transportation the State Aeronautics Board, consisting of seven members appointed by the Governor with the advice and consent of the Senate.

SEC. 24. Section 21224 of the Public Utilities Code is amended to read:

21224. The board shall advise and assist the Director of Transportation in all matters relating to aeronautics within the state.

SEC. 25. Section 21682.5 is added to the Public Utilities Code, to read:

21682.5. The department shall pay from the Aeronautics Account to the Transportation Planning and Research Account, a sum equal to the pro rata share of the comprehensive transportation duties attributable to aviation planning and research, as determined by the Secretary of the Business and Transportation Agency.

SEC. 27. Section 20 of the Streets and Highways Code is amended to read:

20. "Department" means the Department of Transportation of this state.

Any reference in any law or regulation to the Department of Public Works shall be deemed to refer to the Department of Transportation.

SEC. 28. Article 1 (commencing with Section 50) of Chapter 1 of Division 1 of the Streets and Highways Code is repealed.

SEC. 29. Article 1 (commencing with Section 50) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

Article 1. General

50. Any reference in any law or regulation to the State Highway Engineer shall be deemed to refer to the director.

SEC. 30. Section 183 of the Streets and Highways Code is amended to read:

183. All money available for the acquisition of real property or interests therein for state highways, or for the construction, maintenance, or improvement of state highways or highways in state parks shall be deposited in the State Highway Account in the State Transportation Fund. The moneys in the account are appropriated and shall be allocated and expended for the purposes and in the manner provided in this code.

SEC. 31. Section 185.5 is added to the Streets and Highways Code, to read:

185.5. The Director of Transportation shall pay from the State Highway Account in the State Transportation Fund that portion of the administrative expenses of the department that he determines, in consultation with the commission, to have resulted from the highway-oriented functions of the department.

SEC. 32. Section 194 is added to the Streets and Highways Code, to read:

194. In each annual budget report prepared by the commission and the department under Section 143.1, the commission shall allocate to the Transportation Planning and Research Account a sum equal to the pro rata share of the comprehensive transportation planning duties attributable to highway planning and research, as determined by the Secretary of the Business and Transportation Agency in consultation with the commission.

SEC. 32.5. Section 210 of the Streets and Highways Code is amended to read:

210. It is the purpose of this article to outline the policies of the Legislature for the guidance of the commission and the department in determining and adopting the locations for state highways as freeways, as authorized elsewhere by law. To the end of achieving coordinated planning, there should be a complete exchange of pertinent information through conferences between representatives of the department and the governing bodies of appropriate local agencies, their technical staffs, and planning personnel from the commencement of studies leading to the adoption of the freeway location to the time of construction. Recommendations of all such local agencies and the effects of the proposed freeway location upon their activities and present and future development should be considered by the department and the commission. In addition, when sufficient information has been accumulated to permit intelligent discussion, adequately publicized public meetings shall be held so as to assure to all interested individuals, officials and civic or other groups an opportunity to become acquainted with the studies being made and to express their views with respect thereto. The director shall notify the Office of Planning and Research and other state agencies concerned with the growth and preservation of the state's resources in order to analyze the socioeconomic factors involved of the proposed freeway routing recommendations of the chief engineer of the Division of Highways, and, if recommendations are received from the Office of Planning and Research or such other affected state agencies, the director shall consider such recommendations in making his freeway location recommendation to the commission. The recommendation of the director to the commission as to such freeway locations shall be publicized and an opportunity offered to local governing bodies to request public hearings by the commission itself before the commission takes final action, in which event the commission shall hold such hearings. In its consideration of a precise freeway location adoption, the commission shall have available to it the recommendations of the chief engineer of the Division of Highways, and the recommendations, if made, of the Office of Planning and Research and of other affected state agencies and local agencies, in their original form, and shall consider such recommendations in making its decision as to the location of the freeway.

SEC. 33. This act shall become operative on July 1, 1973, except

for Section 10.2, which shall become operative on the effective date of this act.

CHAPTER 1254

An act to amend Sections 11784 and 11785 of the Government Code, relating to electronic data processing, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 15, 1972. Filed with Secretary of State December 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11784 of the Government Code is amended to read:

11784. Any contract entered into by the Department of Finance, any state agency, or any consolidated data center, concerning data-processing systems design, programming, documentation, conversion, training, and other aspects of data-processing operations shall require that contract personnel shall be physically on the premises of the consolidated data center or state entity in the conduct of systems design, programming, documentation, and training and such contract shall also contain a provision requiring the contractor and all of his staff working under such contract to maintain all information obtained as a result of such contract as confidential and to not divulge such information to any other person or entity. Where contracts are entered into pursuant to this section, as a condition of such contract, provision shall be made that state personnel are to be working directly with such contract personnel to assure continuation of all projects for which the contract is let after a contractor has fulfilled his contractual obligations. Full documentation of all programs shall reside both in the data center and the state entity for which the program was written.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, or agencies provided for by Article VI of the Constitution, the Legislative Counsel Bureau, or the Legislature.

SEC. 2. Section 11785 of the Government Code is amended to read:

11785. Notwithstanding the provisions of Section 4 of the Budget Act of 1972 (Chapter 156, Statutes 1972) or any other provisions of law, contracts for lease of electronic data-processing equipment shall be in the form of the model contract for lease of electronic data-processing systems and components, as outlined in Section 4960.1 of the State Administrative Manual (new 1/67, revised 11/69) and shall include provisions for liquidated damages and standards of

performance. No portion of such contract shall be excluded or stricken except that modifications may be made, with the express approval of the Director of Finance, to those specific terms and conditions which:

(1) Impose unreasonable risks to the vendor or are contrary to commonly accepted practices relative to the contracting for such equipment in the following area:

(a) Vendor shall not be precluded from proposing limitations on liabilities, disclaimers on warranties, and protection from patent infringement.

(2) Are forbidden by federal law, mandate, or injunction, or are otherwise contrary to existing federal agreements.

(3) Act to alter the methods and procedures normally used by a vendor in charging for his equipment in the following areas:

(a) Vendor shall not be required to supply goods and services priced in a manner which has not been successfully imposed upon him by any state or federal entity.

(b) Vendors shall not be required to internally rewire or change internal machine construction in order to meet contract statements.

(c) Terminology definitions shall be consistent with those in use by the General Services Administration of the federal government.

Any modification to the model contract proposed in accordance with this section shall be reviewed, prior to its approval by the Director of Finance, by a joint legislative-executive review committee composed of representatives from the Legislative Analyst, the contracting agency, the Department of General Services, the Department of Finance, and the Auditor General.

The Director of Finance shall take into consideration such recommendations as the review committee makes in determining whether or not to approve the proposed modification.

Authority to make modification pursuant to this section shall apply only to procurements for the MICR System of the State Treasurer and the Warrant SMP System of the State Controller and shall terminate February 15, 1973.

It is the intent of the Legislature to consider modifications to the model contract which impose conditions inconsistent with current practices in the electronic data-processing industry. Identification of such conditions by vendors shall be taken into consideration in the formulation of legislation which will relieve these difficulties in order that firms not be unreasonably precluded through the use of inappropriate contract statements from doing business with the State of California.

SEC. 3. An approved revision to the model contract for lease of EDP systems and components, new 1/67 revised 11/69, shall be developed by the Department of Finance no later than February 15, 1973. The 11/69 version of the model contract for lease of EDP systems and components shall be the basis for this effort and its revision may include, but not be limited to, changes which resolve the following contractual areas of difficulty:

(1) Limitations of liability, disclaimers of warranty, and patent protection.

(2) Requirements which are forbidden by federal law, mandate, injunction, or are otherwise contrary to existing federal EDP agreements.

(3) Requirements which would make vendors internally rewire their hardware to meet contract statements.

(4) Requirements which force a vendor to alter his corporatwide pricing structure for goods and services into a form not offered by the vendor to any other state or federal government entity.

(5) Inconsistency in terminology definitions.

Implementation of any new contract provisions shall be subject to the enactment of appropriate legislation.

SEC. 3.5. The Business and Services Consolidated Data Center shall be named the Stephen P. Teale Consolidated Data Center.

SEC. 4. The sum of one million dollars (\$1,000,000) is hereby appropriated from the General Fund in augmentation of and upon the same terms and conditions, as modified by Section 2 of this act, as the appropriation made by Item 61.1 of the Budget Act of 1972 (Chapter 156, Statutes 1972).

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Senate Bill No. 1503 of the 1972 Regular Session (Ch. 787, Stats. 1972) created four consolidated data centers for the operation of electronic data processing by the state. In order to meet the time schedules for site preparation necessary to implement S.B. 1503, it is necessary for this act to take effect immediately.

CHAPTER 1255

An act to add and repeal Section 13131 of, and to add Section 13132.5 to, the Education Code, to amend, repeal, and add Section 11391 of, to add Division 10.8 (commencing with Section 11940) to, to repeal Sections 210, and 11655.9 of, to repeal Chapter 9 (commencing with Section 1170) of Part 2 of Division 1 of, and Division 10.8 (commencing with Section 11940) of, the Health and Safety Code, to amend Section 11655.8 of, and to repeal Section 11655.7 of, the Health and Safety Code, as added by Chapter 1405 of the Statutes of 1970, and to repeal Sections 11655.7 and 11655.8 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, to add and repeal Chapter 2.5 (commencing with Section 1000) of Title 6 of Part 2 of the Penal Code, to amend Sections 3154 and 5619 of, to amend, repeal, and add Section 5651 of, to add Sections 5606.5 and 5764.5 to, to add Chapter 3 (commencing with Section 4330) to Part 1 of Division 4 of, to add

Part 3 (commencing with Section 5800) and Part 4 (commencing with Section 5900) to Division 5 of, and to repeal Sections 5617 and 5618 of, the Welfare and Institutions Code, to repeal Section 5620 of the Welfare and Institutions Code, as added by Chapter 1162 of the Statutes of 1971, and to repeal and add Sections 4330, 5764.5, and 5801 of the Welfare and Institutions Code, as proposed by this act, relating to drugs, including alcohol, narcotics, and tobacco, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 15, 1972. Filed with Secretary of State December 15, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 13131 is added to the Education Code, to read:

13131. The minimum requirements for the teaching credential also include the satisfactory completion of a unit requirement in health education, including, but not limited to, emphasis on the physiological and sociological effects of abuse of alcohol, narcotics, and drugs and of the use of tobacco.

This section shall be effective until July 1, 1973, or until such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970, as amended, at which date, this section is repealed.

SEC. 2. Section 13132.5 is added to the Education Code, to read:

13132.5. The minimum requirements for the teaching credential also include the satisfactory completion of a unit requirement in health education, including, but not limited to, emphasis on the physiological and sociological effects of abuse of alcohol, narcotics, and drugs and of the use of tobacco.

This section shall not become operative until July 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine pursuant to Section 93 of Chapter 557 of the Statutes of 1970, as amended.

SEC. 3. Section 210 of the Health and Safety Code is repealed.

SEC. 4. Chapter 9 (commencing with Section 1170) of Part 2 of Division 1 of the Health and Safety Code is repealed.

SEC. 6. Section 11391 of the Health and Safety Code is amended to read:

11391. No person shall treat an addict for addiction with a narcotic except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Mental Hygiene pursuant to Division 5

(commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the State Department of Mental Hygiene pursuant to Section 4351 of the Welfare and Institutions Code on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with, and be approved by, the Department of Mental Hygiene.

Neither this section nor any other provision of this division shall be construed to prohibit short-term methadone detoxification treatment in a controlled setting approved by the Director of Mental Hygiene and pursuant to rules and regulations of the director. Facilities and treatment approved by the director under this paragraph shall not be subject to approval or inspection by the Board of Medical Examiners, nor shall persons in such facilities be required to register with, or report the termination of residence with, the police department or sheriff's office.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 7. Section 11391 is added to the Health and Safety Code, to read:

11391. No person shall treat an addict for addiction with a narcotic except in one of the following:

(a) An institution approved by the Board of Medical Examiners, and where the patient is at all times kept under restraint and control.

(b) A city or county jail.

(c) A state prison.

(d) A facility designated by a county and approved by the State Department of Health pursuant to Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

(e) A state hospital.

(f) A county hospital.

Methadone in the continuing treatment of narcotic addiction shall be used only in those programs approved by the state department pursuant to Section 4351 of the Welfare and Institutions Code on either an inpatient or outpatient basis, or both.

This section does not apply during emergency treatment, or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury, or the infirmities of old age.

Neither this section nor any other provision of this division shall be construed to prohibit the maintenance of a place in which persons seeking to recover from narcotic addiction reside and endeavor to aid one another and receive aid from others in recovering from such addiction, nor does this section or such division prohibit such aid, provided that no person is treated for addiction in such place by means of administering, furnishing, or prescribing of narcotics. The preceding sentence is declaratory of preexisting law. Every such place shall register with, and be approved by, the state department.

Neither this section or any other provision of this division shall be construed to prohibit short-term methadone detoxification treatment in a controlled setting approved by the director and pursuant to rules and regulations of the director. Facilities and treatment approved by the director under this paragraph shall not be subject to approval or inspection by the Board of Medical Examiners, nor shall persons in such facilities be required to register with, or report the termination of residence with, the police department or sheriff's office.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 11. Section 11655.7 of the Health and Safety Code as added by Chapter 1405 of the Statutes of 1970 is repealed.

SEC. 12. Section 11655.7 of the Health and Safety Code as added by Chapter 1422 of the Statutes of 1970 is repealed.

SEC. 13. Section 11655.8 of the Health and Safety Code, as added by Chapter 1405 of the Statutes of 1970, is amended to read:

11655.8. No provision of this division shall be construed to prohibit the establishment and effective operation of a methadone maintenance treatment program approved pursuant to Section 4351 of the Welfare and Institutions Code.

SEC. 13.5. Section 11655.8 of the Health and Safety Code, as added by Chapter 1422 of the Statutes of 1970, is repealed.

SEC. 14. Section 11655.9 of the Health and Safety Code is repealed.

SEC. 15. Division 10.8 (commencing with Section 11940) of the Health and Safety Code is repealed.

SEC. 16. Division 10.8 (commencing with Section 11940) is added to the Health and Safety Code, to read:

DIVISION 10.8. STATE OFFICE OF NARCOTICS AND DRUG ABUSE

11940. The Legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by state government to effectively and economically utilize federal and state funds for narcotic and drug abuse

prevention, care, treatment and rehabilitation services. To achieve this, it is necessary that:

(a) Existing fragmented, uncoordinated, and duplicative narcotic and drug abuse programs be molded into a comprehensive and integrated statewide program for the prevention of narcotic and drug abuse and for the care, treatment, and rehabilitation of narcotic addicts and drug abusers.

(b) Responsibility and authority for planning programs and activities for prevention, care, treatment, and rehabilitation of narcotic addicts be concentrated in one agency. It is hereby declared to be the intent of the Legislature to assign responsibility and grant authority for planning narcotic and drug abuse prevention, care, treatment, and rehabilitation programs to a state agency whose functions shall be subject to periodic review by the Legislature and appropriate federal agencies.

11941. There is in the Health and Welfare Agency the State Office of Narcotics and Drug Abuse. This office shall be under the control of an executive officer known as the director. The director shall be appointed by, and hold office at the pleasure of, the Governor.

11942. The director may appoint:

(a) An assistant director.

(b) Such other employees as may be necessary for the proper discharge of the duties of his office.

11943. The duties of the State Office of Narcotics and Drug Abuse are:

(a) To coordinate state and local narcotics and drug abuse preventive, care, treatment, and rehabilitation programs.

(b) Consult with state and local health planning bodies and encourage and promote effective use of facilities, resources, and funds in the development of integrated, comprehensive local programs for the prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(c) Develop and implement a comprehensive and uniform plan for the prevention, care, treatment, and rehabilitation of narcotics and drug abuse throughout the state.

(d) Consult with federal, state, and local agencies involved in the provision and delivery of services of prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(e) Provide technical assistance, guidance, and information to local governments and state agencies with respect to the creation and implementation of programs and procedures for dealing effectively with narcotics and drug abuse prevention, care, treatment, and rehabilitation.

(f) Establish goals and priorities for all state agencies providing narcotic and drug abuse services. All state governmental units operating drug programs or administering or subventing state or federal funds for drug programs shall annually set their program priorities and allocate funds in coordination with the State Office of

Narcotics and Drug Abuse.

(g) Identify, in conjunction and cooperation with the Department of Finance, all funds made available to the state by the federal government, the state, public agencies, and other sources which can be used in the prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(h) In the same manner and subject to the same conditions as other state agencies, develop and submit annually to the Department of Finance a program budget for the statewide narcotics and drug abuse program, including not only expenditures proposed to be made under this division, but also expenditures proposed to be made under any related program or by any other state agency, incidental to the prevention, control, and treatment of narcotics and drug abuse. The office may require state departments to contract with it for services to carry out provisions of this division.

(i) To coordinate all narcotics and drug abuse services and related programs conducted by state agencies with the federal government, and shall ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans, and programs proposed to be submitted by any such agency, other than the Regents of the University of California, to the federal government in relation to narcotics and drug abuse related problems shall first be submitted to the State Office of Narcotics and Drug Abuse for review and approval.

(j) To enter into such agreements and contracts with any person, agency, corporation, or other legal entity and such other actions as are necessary to carry out the purposes of this division. The office may require state departments to contract with it for services to carry out the provisions of this division.

(k) To accept and expend grants, gifts, and legacies of money, and with the consent of the Department of Finance, to accept, manage, and expend grants, gifts, and legacies of other properties in furtherance of the purposes of this division.

SEC. 17. Chapter 2.5 (commencing with Section 1000) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.5. SPECIAL PROCEEDINGS IN NARCOTICS AND DRUG ABUSE CASES

1000. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for violation of Section 11500, 11530, 11555, 11556, 11910, or 11990 of the Health and Safety Code and it appears to the district attorney that all of the following apply to the defendant:

(1) The defendant has no prior conviction for any offense involving narcotics or restricted dangerous drugs.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a violation relating to narcotics or

restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(4) The defendant has no record of probation or parole violations.

(b) The district attorney shall review his file to determine whether or not paragraphs (1) to (4), inclusive, of subdivision (a) are applicable to the defendant.

1000.1. (a) If the district attorney determines that this chapter may be applicable to the defendant, he shall advise the defendant or his attorney of such determination. If the defendant consents and waives his right to a speedy trial the district attorney shall refer the case to the probation department. The probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior narcotics or drug use, treatment history, if any, demonstrable motivation and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which community programs the defendant would benefit from and which of those programs would accept the defendant. The probation department shall report its findings and recommendation to the court.

(b) No statement, or any information procured therefrom, made by the defendant to any probation officer which relates to the specific offense with which the defendant is charged, which is made during the course of any investigation conducted pursuant to subdivision (a), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation, with respect to the specific offense with which the defendant is charged.

1000.2. The court shall hold a hearing and, after consideration of the probation department's report and any other information considered by the court to be relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. The defendant's case shall not be diverted unless the district attorney concurs with the court's determination that the defendant be so referred though such concurrence is not necessary with respect to the program to which the defendant is referred. If the court does not deem the defendant a person who would be benefited by diversion, or if the district attorney or the defendant do not consent to participate, the proceedings shall continue as in any other case.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reports shall be filed by the probation department with the court not less than every six months. If the defendant is arrested and convicted of any criminal offense during the period of diversion, the case for which he has been

diverted shall be referred to the court for arraignment and disposition as if he had not been diverted and the case is a regular criminal matter. If the defendant has performed successfully in the education or treatment program, at the end of the period of diversion, the charges shall be dismissed.

1000.3. Any record filed with the Bureau of Criminal Identification and Investigation shall indicate the disposition in those cases diverted pursuant to this chapter.

1000.4. This chapter shall remain in effect until January 1, 1975, and on such date is repealed.

SEC. 18. Section 3154 of the Welfare and Institutions Code is amended to read:

3154. A person released in an outpatient status from the California Rehabilitation Center may, with the approval of the Department of Corrections and the Narcotic Addict Evaluation Authority, voluntarily participate in a methadone maintenance project approved under Section 4351.

Participation in a methadone maintenance project shall not be construed to break the abstention from the use of narcotics for the purpose of Section 3200.

SEC. 19. Chapter 3 (commencing with Section 4330) is added to Part 1 of Division 4 of the Welfare and Institutions Code, to read:

CHAPTER 3. NARCOTICS AND DRUG ABUSE

Article 1. Definitions and General Provisions

4330. As used in this chapter:

(a) "Committee" means the Technical Advisory Committee of the Citizens Advisory Council.

(b) "Department" means the State Department of Mental Hygiene.

(c) "Director" means the Director of Mental Hygiene.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

4330.5. The department, with the approval of the Secretary of the Health and Welfare Agency, may contract with any public or private agency for the performance of any of the functions vested in the department by this chapter. Any state department is authorized to enter into such a contract.

Article 2. Drug Abuse Prevention and Treatment Programs

4331. The department shall be a central information resource on drug abuse prevention and treatment programs and on research projects with respect to narcotics and dangerous drugs.

The department shall collect, and act as an information exchange for, information on research and service projects completed or in

progress relating to drug abuse, provide, to any person, institution or public agency proposing any research or service project on such subject, information with respect to the areas in which research is needed, evaluate programs of research, treatment and education with respect to drug abuse. No state agency shall conduct any research or service project on drug abuse until it has provided the department with a description of its proposed project and until the department has responded with a written description of how the research or service project relates with other completed, concurrently operating, or pending research or service projects. If the department fails to provide the agency with such written description within 60 days from the date of receipt of the proposed project, the state agency may proceed to conduct the research or service project as described in their proposal.

The department annually shall submit to the Governor and the Legislature, not later than the fifth legislative day of the regular session of the Legislature, a report of the activities it undertakes pursuant to this section, including specific recommendations with respect to evaluation of programs of research, treatment and education with respect to drug abuse.

4332. The department shall assist local community organizations in initiating effective programs to prevent and treat narcotics addiction and drug abuse.

4333. The department shall develop and maintain a centralized narcotic and drug abuse data collection system which shall gather and obtain information on the number and causes of narcotic- or drug-related deaths, the number of admissions to all hospitals on both an emergency room and inpatient basis for narcotic- or drug-related treatment, the number of admissions to state hospitals for narcotics or drug abuse treatment, the number of arrests for narcotics and dangerous drug violations, the number of California Youth Authority commitments for narcotics and drug abuse violations, the number of California Department of Corrections commitments for narcotics and drug abuse violations, the number or percentage of drug abusing persons as determined by survey information, the amounts of narcotics and dangerous drugs confiscated by law enforcement in the state, the statewide narcotics and drug abuse treatment program distribution and the fiscal impact of narcotics and drug abuse upon the state.

The department shall, annually, issue a report which portrays the drugs abused, populations affected, user characteristics, crime-related costs, socioeconomic costs and other related information deemed necessary in providing a problem profile of narcotics and drug abuse in the State of California.

4334. The department shall develop and implement a mass media drug education program involving newspapers, radio and television in order to provide community education, develop public awareness and motivate community action in drug prevention, treatment, and rehabilitation.

4335. The department shall develop an objective program evaluation device or methodology and evaluate state-supported narcotics and drug abuse prevention and treatment programs.

4336. The department shall, in consultation with the Department of Education, screen and evaluate drug abuse books, pamphlets, literature, movies, and other audiovisual aids and prepare and disseminate lists of such recommended materials to schools, public libraries, drug information centers, and other such public and private agencies.

4337. The department shall consult with, and seek the advice of, the committee prior to adopting any rules or regulations pursuant to this chapter.

Article 3. Methadone Programs

4350. The Legislature finds that it is in the best interests of the health and welfare of the people of this state to coordinate methadone programs and to establish minimum requirements for the operation of all methadone programs in this state.

4351. In addition to the duties authorized by other provisions, the department shall have all of the following powers:

(a) Exclusive authority to approve the establishment of methadone programs in this state, except that the Research Advisory Panel shall have authority to approve methadone research programs. The department shall establish the criteria for the eligibility of patients to be included in the programs, program operation guidelines, such as dosage levels, recordkeeping and reporting, urinalysis requirements, take-home doses of methadone, security against redistribution of the drug and any other regulations which, in its discretion, the department finds are necessary to protect the safety and well-being of the patient and the public and to carry out the provisions of this chapter. The arrest and conviction records and the records of pending charges against any person seeking admission to a methadone program shall be furnished to methadone program directors upon written request of the methadone program director provided such request is accompanied by a signed release from the person whose records are being requested.

(b) To monitor methadone programs in this state to insure that the programs are operating within promulgated regulations.

(c) To study and evaluate, on an on-going basis, methadone programs in this state and annually report to the Legislature on the effectiveness and needs of the programs.

(d) To provide advice, consultation, and technical assistance to methadone programs.

(e) In its discretion, to approve local agencies or bodies to assist it in carrying out the provisions of this chapter.

(f) It is the intent of the Legislature in enacting this section in order to protect the general public, that self-administered dosage shall only be provided when the patient is clearly adhering to the

requirements of his program, and where daily attendance at a clinic would be incompatible with gainful employment, education, and responsible homemaking. The director shall define "satisfactory adherence" and shall ensure that patients not satisfactorily adhering to their programs shall not be provided take-home dosage.

4352. In addition to the duties authorized by other provisions, the department shall be responsible for approving methadone programs established by the county mental health program, pursuant to Division 5 (commencing with Section 5000).

No such programs shall be established without the prior approval of the department. The department may approve such programs on an inpatient or outpatient basis, or both.

4353. The department shall not approve the establishment of a methadone program without a written application by the treatment facility which meets evaluative criteria required by the department.

The department shall require that all information and records obtained in the course of conducting a methadone program shall be subject to the confidentiality and disclosure provisions contained in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5.

4354. It is the intent of the Legislature in authorizing methadone programs to provide a means whereby the patient may be rehabilitated and will no longer be forced to resort to illegal activities in order to support a dependency on heroin. It is, therefore, the intent of the Legislature that each methadone program shall have a strong rehabilitative element, including, but not limited to, individual and group therapy, counseling, vocational guidance, and job and education counseling. The Legislature declares the ultimate goal of all methadone programs shall be to aid the patient in altering his life style and eventually to eliminate all dependency on drugs.

The department shall promulgate such regulations as are necessary to insure that every program is making a sustained effort to end the drug dependency of the patients on its program.

4355. The department shall establish criteria for acceptable performance from those laboratories performing urinalysis or other body fluid analysis and shall not permit utilization of laboratories unable to meet an acceptable level of performance. The results of any performance evaluation of any laboratory shall immediately be made available to the local programs upon request. Nothing in this section shall prohibit body fluid analysis to be performed by the methadone program upon approval of the department.

4356. The department shall establish a statewide identification card to be issued to methadone patients. The department shall also institute or provide for a system to prevent multiple program registration by methadone patients. The system shall utilize data which protects the personal identity of the patient. The department may participate in such a system developed and operated at the federal level, if there is one, if in the discretion of the department it satisfactorily prevents multiple program participation and is

budgetarily feasible. The information obtained in the course of instituting the system shall be subject to the confidentiality and disclosure provisions contained in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5.

Article 4. Methadone Program Body Fluids Testing

4360. Prior to July 1, 1973, the department shall adopt and publish such rules and regulations to be used in approving and governing the operation of laboratories engaging in the performance of tests referred to in Section 4361, including, but not limited to, the qualifications of the employees of such laboratories who perform such tests, as it determines are reasonably necessary to insure the competence of such laboratories and employees to prepare, analyze, and report the results of such tests.

4361. On and after July 1, 1973, the testing of urine or other body fluid analysis for the methadone programs operating in the state shall be performed only by a laboratory approved and licensed by the department for the performance of such tests.

4362. Each laboratory in this state which performs the test referred to in Section 4361 shall be licensed by the director. Each such laboratory, other than a laboratory operated by the state, county, city, or city and county, other public agency, or a clinical laboratory licensed pursuant to subdivision (f) of Section 1300 of the Business and Professions Code, shall, upon application for licensing, pay a fee to the department in an amount to be determined by the department, which will reimburse the department for the costs incurred by the department in the issuance and renewal of such licenses, but not to exceed one hundred dollars (\$100). On or before July 1 of each year thereafter, each such laboratory shall pay to the department a fee so determined by the department, not to exceed one hundred dollars (\$100), for the renewal of its license.

4363. On and after July 1, 1973, the department shall enforce the provisions of this article and such rules and regulations as are adopted by the department.

4364. On or after July 1, 1973, the department shall annually publish a list of approved and licensed laboratories engaging in the performance of tests referred to in Section 4361.

4365. Every laboratory which has been approved and for which a license has been issued shall be periodically inspected by a duly authorized representative of the department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department and shall be filed with the department.

4366. Any license issued pursuant to Section 4362 may be suspended or revoked by the director for any of the reasons set forth in Section 4367. The director may refuse to issue a license to any applicant for any of the reasons set forth in Section 4367. Any proceedings under this article shall be conducted in accordance with

Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have the powers and duties granted therein.

4367. The director may deny a license if any of the following apply to the applicant, or any partner, officer, or director thereof:

(a) Such person fails to meet the qualifications established by the state department pursuant to this chapter for the issuance of the license applied for.

(b) Such person was previously the holder of a license issued under this chapter, which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.

(c) Such person has committed any act involving dishonesty, fraud, or deceit, whereby another was injured or whereby applicant has benefited.

4368. The director may suspend, revoke, or take other disciplinary action against a licensee as provided in this chapter, if the licensee or any partner, officer, or director thereof does any of the following:

(a) Violates any of the regulations promulgated by the department pursuant to this article.

(b) Commits any act of dishonesty, fraud or deceit, whereby another is injured or whereby the licensee benefited.

(c) Misrepresents any material fact in obtaining a license.

4369. The director may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license.

4370. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (c) of Section 4368, the accusation shall be filed within two years after the discovery by the department of the alleged facts constituting the fraud or misrepresentation prohibited by such section.

4370.5. After suspension of the license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation. After one year after the effective date of the revocation the department may reinstate the license upon proof of compliance by the applicant with all provisions of the decision as to reinstatement.

SEC. 19.5. Section 4330 is added to the Welfare and Institutions Code, to read:

4330. As used in this chapter:

(a) "Committee" means the Technical Advisory Committee of the Citizens Advisory Council.

(b) "Department" means the State Department of Health.

(c) "Director" means the Director of Health.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 19.7. Section 5606.5 is added to the Welfare and Institutions Code, to read:

5606.5. Each local mental health advisory board shall have a technical advisory committee on drug abuse, the members of which shall be appointed by the board of supervisors. The membership of the advisory committee shall be composed of representatives of law enforcement agencies, public drug programs, private drug programs, education, and the general public selected by the board of supervisors.

The county technical advisory committee shall:

(a) Review and evaluate the community's drug program needs, services, facilities, and special programs.

(b) Review the drug program portion of the county Short-Doyle plan.

(c) After adoption of a program, continue to act in an advisory capacity to the county drug program coordinator designated pursuant to Section 5802 and the local mental health advisory board.

(d) Report its findings and recommendations to the county drug program coordinator designated pursuant to Section 5802 and the local mental health advisory board.

SEC. 20. Section 5617 of the Welfare and Institutions Code is repealed.

SEC. 21. Section 5618 of the Welfare and Institutions Code is repealed.

SEC. 22. Section 5619 of the Welfare and Institutions Code is amended to read:

5619. A county mental health service may provide for the care and treatment of juveniles.

SEC. 23. Section 5620 of the Welfare and Institutions Code, as added by Chapter 1162 of the Statutes of 1971, is repealed.

SEC. 24. Section 5651 of the Welfare and Institutions Code is amended to read:

5651. The county Short-Doyle plan shall include the following:

(a) A description of the persons to be served. This shall include the number of persons to be served in each of the following target groups: general mental disorder, children and adolescents, alcoholism, and mentally retarded. Each target group shall be further categorized by age groups.

(b) A description of all the comprehensive direct service programs to be provided to each target group. This shall include the state, county, and private resources providing the services, the cost of each comprehensive program, and the cost of each major program element within each comprehensive program.

(c) A description of the indirect and supportive services necessary for the operation of the county's mental health program. This shall

include consultation and education services available to community agencies and professional personnel and information services to the general public, training research and evaluation. The plan shall also include the cost of each of these services. The drug abuse component of the plan shall also include, but not be limited to, elements relating to prevention, detoxification, treatment and referral services, rehabilitation, and coordination of programs and other community services.

(d) A five-year projection of county needs for each target group commencing with the fiscal year for which the plan is adopted. This projection shall include a priority listing of the resources required to meet the needs of each target group, and the estimated cost of developing and acquiring these resources.

(e) An estimate of the county's utilization of the state hospital by numbers of admissions and patient days for the succeeding fiscal year. This requirement shall not apply to patients for whom county expenditures for services are not reimbursable by the state under this part.

The State Department of Mental Hygiene shall provide the counties, to the extent possible, the information upon which to base this estimate.

No mentally disordered person or person afflicted with alcoholism shall be admitted to a state hospital prior to screening and referral by an agency designated by the county Short-Doyle plan to provide this service.

(f) A detailed presentation of all expected expenditures of county, state, and federal government funds and all anticipated public and private revenues.

(g) A detailed description of the methodology to be used by the county for evaluating the results of the programs and services being provided for each target group. This methodology shall permit program evaluation including the relative cost and effectiveness of alternative forms and patterns of services.

(h) A description of the procedures used to insure citizen and professional involvement in the county's mental health planning process at all stages of its development. Such procedures shall be reviewed and approved by the local mental health advisory board.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 24.5. Section 5651 is added to the Welfare and Institutions Code, to read:

5651. The county Short-Doyle plan shall include the following:

(a) A description of the persons to be served. This shall include the number of persons to be served in each of the following target groups: general mental disorder, children and adolescents, alcoholism, and mentally retarded. Each target group shall be further categorized by age groups.

(b) A description of all the comprehensive direct service programs to be provided to each target group. This shall include the

state, county, and private resources providing the services, the cost of each comprehensive program, and the cost of each major program element within each comprehensive program.

(c) A description of the indirect and supportive services necessary for the operation of the county's mental health program. This shall include consultation and education services available to community agencies and professional personnel and information services to the general public, training research and evaluation. The plan shall also include the cost of each of these services. The drug abuse component of the plan shall also include but not be limited to, elements relating to prevention, detoxification, treatment and referral services, rehabilitation, and coordination of programs and other community services.

(d) A five-year projection of county needs for each target group commencing with the fiscal year for which the plan is adopted. This projection shall include a priority listing of the resources required to meet the needs of each target group, and the estimated cost of developing and acquiring these resources.

(e) An estimate of the county's utilization of the state hospital by numbers of admissions and patient days for the succeeding fiscal year. This requirement shall not apply to patients for whom county expenditures for services are not reimbursable by the state under this part.

The State Department of Health shall provide the counties, to the extent possible, the information upon which to base this estimate.

No mentally disordered person or person afflicted with alcoholism shall be admitted to a state hospital prior to screening and referral by an agency designated by the county Short-Doyle plan to provide this service.

(f) A detailed presentation of all expected expenditures of county, state, and federal government funds and all anticipated public and private revenues.

(g) A detailed description of the methodology to be used by the county for evaluating the results of the programs and services being provided for each target group. This methodology shall permit program evaluation including the relative cost and effectiveness of alternative forms and patterns of services.

(h) A description of the procedures used to insure citizen and professional involvement in the county's mental health planning process at all stages of its development. Such procedures shall be reviewed and approved by the local mental health advisory board.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 25. Section 5764.5 is added to the Welfare and Institutions Code, to read:

5764.5. The Citizens Advisory Council shall appoint a technical advisory committee on narcotics and drug abuse. The membership of the committee shall be composed of not more than seven persons who are determined by the council to be representative of law

enforcement agencies, public drug programs, private drug programs, education, and the general public.

The committee shall have the powers and authority necessary to carry out the duties imposed upon it by the council, including, but not limited to, the following:

(a) To advise the council on the development of the drug abuse component of the state five-year plan.

(b) To periodically review drug abuse treatment services in this state, and prepare such reports as necessary for the council.

(c) To suggest such rules, regulations, and standards to the council as it determines would promote effective drug abuse treatment services in this state.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

SEC. 25.5. Section 5764.5 is added to the Welfare and Institutions Code, to read:

5764.5. The Citizens Advisory Council shall appoint a technical advisory committee on narcotics and drug abuse. The membership of the committee shall be composed of not more than seven persons who are determined by the council to be representative of law enforcement agencies, public drug programs, private drug programs, education, and the general public.

The committee shall have the powers and authority necessary to carry out the duties imposed upon it by the council, including, but not limited to, the following:

(a) To advise the council on the development of the drug abuse component of the state five-year plan.

(b) To periodically review drug abuse treatment services in this state, and prepare such reports as necessary for the council.

(c) To suggest such rules, regulations, and standards to the council as it determines would promote effective drug abuse treatment services in this state.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 26. Part 3 (commencing with Section 5800) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 3. COMMUNITY DRUG ABUSE CONTROL

CHAPTER 1. GENERAL PROVISIONS

5800. The Legislature recognizes that drug abuse should be viewed and treated as a health problem, as well as a law enforcement problem. The drug abuse problem has a significant public impact and must, in addition to law enforcement, be given community, educational, social, and health attention if prevention and amelioration is to be achieved. These approaches should be coordinated into a multiagency and multifaceted program for drug abuse control in the counties of the state.

5801. As used in this part:

(a) "Coordinator" means the county drug program coordinator designated pursuant to Section 5802.

(b) "Advisory committee" means the county technical advisory committee established pursuant to Section 5606.5.

(c) "Department" means the State Department of Mental Hygiene.

(d) "Director" means Director of Mental Hygiene.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on such date is repealed.

5802. The local mental health director shall serve as county drug program coordinator unless the board of supervisors determines otherwise. In such instance, the board of supervisors may designate either the chief administrative officer of the county or the head of the county agency responsible for the overall health services for the county as county drug program coordinator.

5803. The county drug program coordinator shall have the following powers and duties:

(a) He shall be responsible for the preparation of the drug program portion of the county Short-Doyle plan.

(b) He shall exercise general supervision over the drug program services provided under the county Short-Doyle plan.

(c) He shall recommend to the board of supervisors, after consultation with the advisory committee, if there be one, the provision of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable in accomplishing the purposes of this chapter.

(d) He shall submit an annual report to the board of supervisors reporting all activities of the drug program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

(e) He shall carry on such studies as may be appropriate for the discharge of his duties, including the prevention and treatment of drug abuse.

(f) He shall be responsible for the on-going coordination of all public and private drug abuse programs and services in the county.

(g) He shall administer all drug program funds allocated to the county under this part. No drug program funds allocated to the counties under this part shall be expended without the prior approval of the coordinator.

(h) He shall be responsible to the board of supervisors, through administrative channels designated by the board of supervisors, for the drug program of the county.

SEC. 26.5. Section 5801 is added to the Welfare and Institutions Code, to read:

5801. As used in this chapter:

(a) "Coordinator" means the county drug program coordinator designated pursuant to Section 5802.

(b) "Advisory committee" means the county technical advisory

committee established pursuant to Section 5606.5.

(c) "Department" means the State Department of Health.

(d) "Director" means Director of Health.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 27. Part 4 (commencing with Section 5900) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 4. REGISTRATION OF NARCOTICS AND DRUG ABUSE PROGRAMS

5900. As used in this part, "coordinator" means the county drug program coordinator designated pursuant to Section 5802.

5901. As used in this part, "narcotic and drug abuse program" means any program which provides any service of care, treatment, rehabilitation, counseling, vocational training, self-improvement classes or courses, methadone maintenance treatment, methadone detoxification treatment, or other medication services for detoxification and treatment, and any other services which are provided either public or private, whether free of charge or for compensation, which are intended in any way to alleviate the problems of narcotic addiction or habituation or drug abuse addiction or habituation or any problems in whole or in part related to the problem of narcotics addiction or drug abuse, or any combination of such problems.

5901.5. A narcotic and drug abuse program includes, but is not limited to:

(a) Halfway houses, which are those places which provide a residential setting and which provide such services as detoxification, counseling, care, treatment, and rehabilitation in a live-in facility.

(b) Drop-in centers, which are any places which are established for the purpose of providing counseling, advice, or a social setting for one or more persons who are attempting to understand, alleviate or cope with their problems of narcotics addiction or drug abuse.

(c) Crisis lines, which are those services which provide a telephone answering service which provides, in whole or in part, a crisis intervention, counseling or referral or a source of general narcotics or drug abuse information.

(d) Free clinics, which are those places which are established for the purpose, either in whole or in part, of providing any medical or dental care or any social services or any treatment or referral to such services for those persons recognized as having a problem of narcotics addiction or drug abuse.

(e) Detoxification centers, which are those places established for the purpose of detoxification from narcotics or dangerous drugs, regardless of whether or not narcotics, restricted dangerous drugs, or other medications are administered in said detoxification and regardless of whether detoxification takes place in a live-in facility or on an outpatient basis.

(f) Methadone programs, which are any programs, whether inpatient or outpatient, which offer methadone maintenance, detoxification or other services in conjunction with such methadone maintenance or detoxification, and those programs which provide supportive services to such methadone maintenance or detoxification programs.

(g) Nonspecific drug programs, which are those programs not specifically mentioned above but which provide or offer to provide, in whole or in part, for counseling, therapy, referral, advice, care, treatment or rehabilitation as a service to those persons suffering from narcotics addiction, drug habituation or other narcotics and drug abuse related problems which are either physiological or psychological in nature.

5902. The coordinator of each county shall establish and maintain a registry of all narcotics and drug abuse programs within the county in order to promote a coordination of effort in the county.

5903. Each narcotic and drug abuse program in a county shall register with the coordinator of the county not later than 90 days after the effective date of this section and shall register thereafter on or before July 1, 1973, and on or before July 1 of each year thereafter. Any narcotics and drug abuse program established after July 1, 1973, or after July 1 of any year thereafter shall register within 30 days after being established.

5904. Registration under this division shall include registration of all of the following information concerning the particular narcotic or drug abuse program registering:

(a) A description of the services, programs, or activities provided by the narcotic or drug abuse program and the types of patients served.

(b) The address of each facility at which the services, programs or activities are furnished.

(c) The names and addresses of the persons or agencies responsible for the direction and operation of the narcotic and drug abuse program.

5905. Registration under this part does not constitute the approval or endorsement of the narcotic or drug abuse program by any state or county officer, employee or agency.

5906. For the purpose of this division, registration shall not be required for those programs that provide drug abuse education in public or private schools as a matter of and in conjunction with a general education of students. This division does not require registration of law enforcement agencies which provide drug abuse education in the course of their normal performance of duties. Nothing in this division shall prohibit registration of such programs of education or law enforcement if such law enforcement and education agencies so desire.

SEC. 28.5. This act shall be known and may be cited as the Campbell-Moretti-Deukmejian Drug Abuse Treatment Act.

SEC. 29. It is the intent of the Legislature, that, if Reorganization

Plan No. 1 of 1970 becomes operative, Sections 4330 and 5801 of the Welfare and Institutions Code, as added by Sections 19 and 26, respectively, of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Sections 4330 and 5801 of the Welfare and Institutions Code, as added by Sections 19.5 and 26.5, respectively, of this act, which include the changes made by both Reorganization Plan No. 1 of 1970 and Sections 19 and 26 of this act, shall become operative.

SEC. 30. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 11391 of the Health and Safety Code and Section 5651 of the Welfare and Institutions Code, as amended by Sections 6 and 24, respectively, of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 11391 of the Health and Safety Code and Section 5651 of the Welfare and Institutions Code, as added by Sections 7 and 24.5, respectively, of this act, which include the changes in such sections made by both Reorganization Plan No. 1 of 1970 and Sections 6 and 24 of this act, shall become operative.

SEC. 30.5. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 5764.5 of the Welfare and Institutions Code, as added by Section 25 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 5764.5 of the Welfare and Institutions Code, as added by Section 25.5 of this act, which includes the changes in such section to conform to Reorganization Plan No. 1 of 1970, shall become operative.

SEC. 31. The sum of fourteen million three hundred forty-four thousand two hundred fifty-two dollars (\$14,344,252), without regard to fiscal years, is hereby appropriated from the General Fund to the Health and Welfare Agency, to be allocated, with the approval of the Director of Finance, for the purposes of carrying out the provisions of this act.

SEC. 32. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is a severe lack of coordination in existing drug abuse programs and in the provision of treatment facilities for drug abusers. In order that this situation may be alleviated at the earliest possible time, it is necessary for this act to take effect immediately.

CHAPTER 1256

An act to amend Section 13976 of, and to add Chapter 5.5 (commencing with Section 13370) to Division 7 of, the Water Code, relating to water quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 19, 1972. Filed with
Secretary of State December 19, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing with Section 13370) is added to Division 7 of the Water Code, to read:

CHAPTER 5.5. COMPLIANCE WITH THE PROVISIONS OF THE
FEDERAL WATER POLLUTION CONTROL ACT AS AMENDED IN 1972

13370. The Legislature finds and declares that since the Federal Water Pollution Control Act (33 U.S.C. 1151, et seq.), as amended, provides for a permit system to regulate the discharge of pollutants to the navigable waters of the United States and provides that permits may be issued by states which are authorized to implement the provisions of such act, it is in the interest of the people of the state, in order to avoid direct regulation by the federal government of persons already subject to regulation under state law pursuant to this division, to enact the provisions of this chapter in order to authorize the state to implement the provisions of the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto, and federal regulations and guidelines issued pursuant thereto.

13371. The Legislature further finds and declares that it is necessary for the state board to amend its administrative regulations in order to comply with the Federal Water Pollution Control Act and regulations and guidelines adopted thereunder.

13372. To the extent other provisions of this division are consistent with the provisions of this chapter, such provisions shall be applicable to actions and procedures provided for in this chapter. The provisions of this chapter shall prevail over other provisions of this division to the extent of any inconsistency. The provisions of this chapter shall apply only to actions required under the Federal Water Pollution Control Act, as amended.

13373. The terms "navigable waters," "effluent limitations," "administrator," "pollutants," "biologic monitoring," "discharge" and "point sources" as used in this chapter shall have the same meaning as in the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto.

13374. The term "waste discharge requirements" as referred to in this division is the equivalent of the term "permits" as used in the Federal Water Pollution Control Act, as amended.

13375. The discharge of any radiological, chemical, or biological warfare agent into the waters of the state is hereby prohibited.

13376. Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state shall file a report of such discharge in compliance with the procedures set forth in Section 13260. Any person proposing to discharge pollutants shall file a report at least 180

days in advance of the date on which it is desired to commence the discharge of pollutants. Any person presently discharging pollutants shall file a report within 45 days of a written request by a regional board or the state board. The discharge of pollutants by any person except as authorized pursuant to waste discharge requirements is prohibited.

13377. Notwithstanding any other provision of this division, the state board or the regional boards shall, as required or authorized by the Federal Water Pollution Control Act, as amended, issue waste discharge requirements which ensure compliance with any applicable effluent limitations, water quality related effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any ocean discharge criteria.

13378. Waste discharge requirements shall be adopted only after notice and any necessary hearing. Such requirements shall be adopted for a fixed term not to exceed five years for any proposed discharge, existing discharge, or any material change therein.

13379. Waste discharge requirements shall be adopted to meet the following:

(a) Not later than July 1, 1977, effluent limitations for point sources, other than publicly owned treatment works, which (1) shall require the application of the best practicable control technology currently available as defined under the Federal Water Pollution Control Act, as amended, or (2) in the case of a discharge into a publicly owned treatment works as defined in subdivision (b), shall require compliance with any applicable pretreatment or toxicity requirements.

(b) For publicly owned treatment works in existence on July 1, 1977, or approved pursuant to the Federal Water Pollution Control Act, as amended, prior to June 30, 1974, for which construction shall be completed within four years of approval, effluent limitations based upon secondary treatment, as defined under the Federal Water Pollution Control Act.

(c) Not later than July 1, 1977, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance under this division or as required under the Federal Water Pollution Control Act, as amended.

(d) Not later than July 1, 1983, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which (1) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the goal of eliminating the discharge of all pollutants as determined under the Federal Water Pollution Control Act, as amended, or (2) in the case of the introduction of a pollutant into a publicly owned treatment works which meets the requirements referred to in subdivision (e), shall require compliance with any applicable pretreatment or toxicity requirements.

(e) Not later than July 1, 1983, compliance by all publicly owned treatment works, with requirements promulgated under the Federal Water Pollution Control Act, as amended.

(f) Any more stringent effluent standards or limitations necessary to implement water quality control plans, or for the protection of beneficial uses or to prevent nuisance.

(g) National standards of performance promulgated by the administrator.

(h) Pretreatment requirements as determined by the administrator.

(i) Ocean discharge criteria promulgated by the administrator.

13380. Any waste discharge requirement adopted under this chapter shall be reviewed at least every five years and, if appropriate, revised.

13381. Waste discharge requirements may be terminated or modified for cause, including, but not limited to, all of the following:

(a) Violation of any condition contained in the requirements.

(b) Obtaining the requirements by misrepresentation, or failure to disclose fully all relevant facts.

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

13382. Waste discharge requirements shall be adopted to control the disposal of pollutants into wells.

13383. The state board or regional boards may require dischargers of pollutants to navigable waters or to public treatment systems to establish and maintain records, make reports, install, use and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required. The state board or regional boards may inspect the facilities of any discharger of pollutants pursuant to the procedure set forth in subdivision (c) of Section 13267.

13384. The state board or the regional boards shall ensure that the public, and that any other state, the waters of which may be affected by any discharge of pollutants to navigable waters within this state, shall receive notice of each application for requirements or report of waste discharge and are provided an opportunity for public hearing before adoption of such requirements.

13385. Any person who discharges pollutants, except as permitted by waste discharge requirements, or who violates any cease and desist order, prohibition, waste discharge requirement, effluent limitation, water quality related effluent limitation, national standard of performance, pretreatment or toxicity standard or who refuses to comply with the requirements adopted pursuant to Section 13382 shall be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each day in which such discharge, violation, or refusal occurs. Funds collected shall be paid to the State Water Pollution Cleanup and Abatement Account.

13386. (a) The Attorney General, upon request of a regional

board or the state board, shall petition the superior court to impose, assess and recover the suras provided in Section 13385.

(b) Upon the violation of the terms of any cease and desist order, prohibition, waste discharge requirement, effluent limitation, water quality related effluent limitation, national standard of performance, pretreatment or toxicity standard, the requirements of Section 13383, or upon the failure of any discharger into a public treatment system to comply with any cost or charge adopted by any public agency under Section 204(b) of the Federal Water Pollution Control Act, as amended, the Attorney General, upon the request of the state board or regional board shall petition the appropriate court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining such person or persons from continuing the violation. The provisions of subdivisions (b) and (c) of Section 13331 shall be applicable to proceedings under this subdivision.

(c) With respect to violation of waste discharge requirements or cease and desist orders, remedies under Section 13385 are in lieu of civil monetary remedies provided for in Section 13350.

13387. (a) Any person who willfully or negligently discharges pollutants except as allowed by waste discharge requirements or who willfully or negligently violates any effluent standard, water quality related effluent standard, national standard of performance, toxicity or pretreatment standard, or who refuses to comply with the requirements adopted pursuant to Section 13382, or who violates any cease and desist order, prohibition, or waste discharge requirement shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) nor less than two thousand five hundred dollars (\$2,500) for each day in which such violation occurs, or by imprisonment for not more than one year in the county jail, or by both. If the conviction is for a violation committed after a first conviction of such person under this section, punishment shall be by a fine of not more than fifty thousand dollars (\$50,000) for each day in which such violation occurs, or by imprisonment for not more than two years in the county jail, or both. Funds collected shall be paid to the State Water Pollution Cleanup and Abatement Account.

(b) Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with a regional board or the state board, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail for not more than six months, or by both.

13388. Notwithstanding any other provision of this division or Section 175, no person shall be a member of the state board or a regional board if he receives or has received during the previous two years a significant portion of his income directly or indirectly from any person subject to waste discharge requirements or applicants for waste discharge requirements pursuant to this chapter. This section shall become operative on March 1, 1973.

13389. Neither the state board nor the regional boards shall be required to comply with the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code prior to the adoption of any waste discharge requirement, except requirements for new sources as defined in the Federal Water Pollution Control Act or acts amendatory thereof or supplementary thereto.

SEC. 2. Section 13976 of the Water Code is amended to read:

13976. (a) The moneys in the fund shall be used for the purposes set forth in this section.

(b) The board is authorized to enter into contracts with municipalities having authority to construct, operate and maintain treatment works, for grants to such municipalities to aid in the construction of eligible projects, and for reclamation of water.

Grants may be made pursuant to this section to reimburse municipalities for construction for which contracts were let subsequent to July 1, 1970, and before the first sale of bonds authorized to be issued by this chapter.

Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract concerning an eligible project shall include, in substance, the following provisions:

- (1) An estimate of the reasonable cost of the eligible project;
- (2) An agreement by the board to pay to the municipality, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals at least 12½ percent of the eligible project cost determined pursuant to federal and state laws, and regulations;
- (3) An agreement by the municipality, (i) to proceed expeditiously with, and complete, the eligible project, (ii) to commence operation of the treatment works on completion thereof, and to properly operate and maintain such works in accordance with applicable provisions of law, (iii) to apply for and make reasonable efforts to secure federal assistance for the eligible project, (iv) to secure the approval of the board before applying for federal assistance in order to maximize the amounts of such assistance received or to be received for all eligible projects in the state, and (v) to provide for payment of the municipality's share of the cost of the eligible project.

(c) The board may make direct grants to any municipality or by contract or otherwise undertake plans, surveys, research, development and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the board pursuant to this division and to prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment and disposal of waste under a comprehensive cooperative plan.

The aggregate amount of moneys which may be advanced or granted to or committed to municipalities for the purpose of

planning, research and development, whether by the board or under the direction of the board or in the form of direct grants to municipalities for such purpose, shall not exceed in the aggregate such amount as may be fixed from time to time by the committee.

(d) The board may from time to time with the approval of the committee transfer moneys in the fund to the State Water Quality Control Fund to be available for loans to public agencies pursuant to Chapter 6 (commencing with Section 13400) of this division.

(e) Not more than one-half of 1 percent of the moneys deposited in the fund may be expended by the board for costs incurred in administering the provisions of this chapter.

(f) As much of the moneys in the fund as is necessary shall be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(g) The board may with the approval of the committee transfer not more than ten million dollars (\$10,000,000) from the fund to a special reserve fund as additional security for the payment of the principal of and the interest on revenue bonds sold by the state as provided by law to provide funds to municipalities for needed sewage facilities. Such money shall be used for such purpose only after all other securities provided by law have been exhausted. Any money not used for such purpose shall, after retirement of the revenue bonds, be returned to the fund and be available for other purposes provided for in this section.

(h) The board may adopt rules and regulations governing the making and enforcing of contracts pursuant to this section.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Federal Water Pollution Control Act as amended in 1972 requires the state to have certain powers in order to continue to regulate waste discharges to navigable waters of the United States. The powers contained in this act will allow the State Water Resources Control Board and the regional water quality control boards to comply with federal requirements and continue to regulate waste discharges.

CHAPTER 1257

An act to add Division 27 (commencing with Section 39600) to the Health and Safety Code, relating to pollution control.

[Approved by Governor December 19, 1972. Filed with Secretary of State December 19, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Division 27 (commencing with Section 39600) is added to the Health and Safety Code, to read:

DIVISION 27. CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY ACT

CHAPTER 1. CALIFORNIA POLLUTION CONTROL FINANCING
AUTHORITY

Article 1. General Provisions and Definitions

39600. This division may be cited as the California Pollution Control Financing Authority Act.

39601. The Legislature hereby finds that it is necessary and essential that the state, in cooperation with the federal government, use all practical means and measures to control and eliminate pollution hazards to the environment. The Legislature further finds and determines that industry within this state utilizes processes and facilities which have significant environmental impact. These processes and facilities shall be modified and supplemented to meet the quality standards established and to be established for the control of environmental pollution. Industry needs and requires new methods to finance the capital outlays required for the devices, equipment and facilities utilized in pollution control if they are to rapidly comply with the quality standards established by the state and federal governments, and the alternate method of financing provided in this division is in the public interest and serves a public purpose and will promote the health, welfare, and safety of the citizens of the State of California.

39602. It is the purpose of this division to carry out and make effective the findings of the Legislature and to that end to provide industry within the state with an alternative method of financing in providing, enlarging, and establishing pollution control facilities and all other related facilities which are intended to control pollution of the environment and which are needed to accomplish the purposes of this division, all to the mutual benefit of the people of the state and to protect their health and welfare.

39603. As used in this chapter, unless the context otherwise requires:

(a) "Authority" means the California Pollution Control Financing Authority established pursuant to Section 39604 and any board, commission, department, or officer succeeding to the functions thereof or to whom the powers conferred upon the authority by this division shall be given by law.

(b) "Cost" as applied to a project or portion thereof financed under the provisions of this division embraced all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project, the cost of demolishing or

removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction as determined by the authority, provisions for working capital, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, estimates, administrative expenses and other expenses necessary or incident to determining the feasibility of constructing any project or incident to the construction or acquisition or financing of any project.

(c) "Participating party" means any person, company, corporation, partnership, firm, or other entity or group of entities engaged in operations within this state which requires financing pursuant to the terms of this division to aid and assist in the control or elimination of pollution of the environment of the state.

(d) "Pollution" means an alteration of quality of the environment of the state and shall be determined by the various standards prescribed from time to time by this state or the federal government or any agency, department, or political subdivision of this state or the federal government and may include, but is not limited to, earth, air, or water pollution, pollution caused by solid waste disposal, thermal pollution, radiation contamination, or noise pollution.

(e) "Project" and "pollution control facility," respectively, means any land, building, improvement thereto, work, property or structure, real or personal, providing or designed to provide for the control, reduction, abatement, elimination, or prevention of pollution, including, but not limited to, hydrostatic control facilities, dust collectors, smoke bags, settling ponds, filtration plants, sewage disposal facilities, garbage disposal facilities, recycling facilities, dumps, filling grounds, chlorination ponds, treatment works, and all other structures or facilities now or hereafter developed or useful in the control of pollution of any type or character, including any structure, equipment, or other facilities for the purpose of reducing, treating, neutralizing, or cooling the temperature of any liquid, gaseous, or solid waste substance or discharge resulting from the process of manufacture, industry, or commerce, or from the development, processing, or recovery of any natural resource or the generation of electricity, steam heat, or manufactured gas, together with the recovery, treatment, neutralizing, stabilizing, or cooling equipment, facilities, plants, or structures necessary to reduce, control, or eliminate pollution, and any and all facilities which may hereafter be developed through science, study, and investigation to aid and assist in the control of pollution or the removal or treatment of any substance which might otherwise cause or contribute to such pollution.

(f) "Revenues" means all rents, receipts, purchase payments and all other income or receipts derived by the authority from the sale,

lease, or other disposition of pollution control facilities and any income or revenue derived from the investment of any money in any fund or account of the authority.

(g) "Public agency" means any state agency, board, or commission, any county, city and county, city, regional agency, public district, or other political subdivision.

Article 2. Organization of Authority and General Powers and Duties Thereof

39604. There is in the state government the California Pollution Control Financing Authority. The authority constitutes a public instrumentality and the exercise by the authority of the powers conferred by this division shall be deemed and held to be the performance of an essential public function. The authority shall consist of five members: the Director of Finance, the Chairman of the State Water Resources Control Board, the Chairman of the State Air Resources Board, the State Treasurer, and the State Controller.

The Director of Finance, the Chairman of the State Water Resources Control Board, and the Chairman of the State Air Resources Board may each designate a deputy or clerk in his agency to act for him and represent him at all meetings of the authority.

The first meeting of the authority shall be convened by the Director of Finance.

39605. All members of the authority shall serve thereon without compensation as members of the authority.

39606. The provisions of this division shall be administered by the authority which shall have and is hereby vested with all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed upon it under this division.

39607. The authority shall maintain an office in the City of Sacramento.

39608. The authority may employ an executive secretary and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this division.

39609. The authority shall, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, adopt all necessary rules and regulations to carry out the provisions of this division. The authority may call upon any board or department of the state government for aid and assistance in the preparation of plans and specifications and in the development of technology necessary to effectively control pollution.

39610. (a) The Attorney General shall be the legal counsel for the authority, but with the approval of the Attorney General, the authority may employ such legal counsel as in its judgment is necessary or advisable to enable it to carry out the duties and functions imposed upon it by this division, including the employment of such bond counsel as may be deemed advisable in

connection with the issuance and sale of bonds.

(b) The State Treasurer shall be the treasurer for the authority. 39611. The authority is authorized and empowered:

(a) To adopt an official seal.

(b) To sue and be sued in its own name.

(c) To determine the location and character of any project to be financed under the provisions of this division, subject to the certification under Section 39615, to lend financial assistance to any participating party, to construct, reconstruct, renovate, replace, lease, as lessor or lessee, and regulate the same, and to enter into contracts for the sale of any pollution control facilities, including installment sales or sales under conditional sales contracts.

(d) To issue bonds, notes, bond anticipation notes, and other obligations of the authority for any of its corporate purposes, and to fund or refund the same, all as provided in this division.

(e) To fix fees and charges for pollution control facilities, and to revise from time to time such fees and charges, and to collect rates, rents, fees and charges for the use of and for any facilities or services furnished, or to be furnished, by a project or any part thereof and to contract with any person, partnership, association, corporation, or public agency with respect thereto, and to fix the terms and conditions upon which any pollution control facilities may be sold or disposed of, whether upon installment sales contracts or otherwise.

(f) To employ and fix the compensation of bond counsel, financial consultants and advisers as may be necessary in its judgment in connection with the issuance and sale of any bonds, notes, bond anticipation notes, or other obligations of the authority; to contract for engineering, architectural, accounting, or other services of appropriate state agencies as may be necessary in the judgment of the authority for the successful development of any project; and to pay the reasonable costs of consulting engineers, architects, accountants, and construction experts employed by any participating party if, in the judgment of the authority, such services are necessary to the successful development of any project, and provided such services are not obtainable from any state agency.

(g) To do all things generally necessary or convenient to carry out the purposes of this division.

39612. All expenses incurred in carrying out the provisions of this division shall be payable solely from funds provided under the authority of this division and no liability or obligation shall be imposed upon the State of California and, except as provided in Section 39626, none shall be incurred by the authority beyond the extent to which moneys shall have been provided under the provisions of this division. Under no circumstances shall the authority create any debt, liability, or obligation on the part of the State of California payable from any source whatsoever other than the moneys provided under the provisions of this division.

39613. (a) All projects shall be constructed or completed subject to the rules and regulations of the authority.

(b) The authority is authorized to acquire, by deed, purchase, lease, contract, gift, devise, or otherwise, any real or personal property, structures, rights, rights-of-way, franchises, easements, and other interests in lands located within this state necessary or convenient for the construction or operation of a project, upon such terms and conditions as it deems advisable, and to lease, sell, or dispose of the same in such manner as may be necessary or desirable to carry out the objects and purposes of this division. Nothing in this division shall authorize the authority to exercise the power of eminent domain.

39614. When the principal of and interest on bonds of the authority issued to finance the cost of a particular project for a participating party, including any refunding bonds issued to refund and refinance such bonds, shall have been fully paid and retired or when adequate provision shall have been made for the payment and retirement of the same, and all other conditions of the resolution, indenture, or agreement authorizing and securing the same shall have been satisfied and the lien of such resolution, indenture, or agreement shall have been released in accordance with the provisions thereof, the authority is authorized, upon such terms and conditions as may be prescribed by the authority, to execute such deeds and conveyances as are necessary or required to convey title to such project to such participating party.

39615. No project shall be eligible for financing under this division unless the appropriate state control agency certifies that there is reasonable assurance that:

(a) The project is necessary to further compliance with applicable federal and state standards.

(b) The project is consistent with an approved regional, basin, or state plan for environmental protection.

For the purposes of this section, the state control agency shall be the State Water Resources Control Board, State Air Resources Board, or the Resources Agency for a project not affecting the air or water or any agency subsequently empowered to control pollution. The authority shall reimburse the control agencies for their reasonable and necessary expenses in making the certification.

In addition to the foregoing, no project for water pollution control is eligible for financing under this division unless the authority finds that local public financing cannot reasonably be obtained.

Projects shall be eligible for financing in the order in which requests for financing are received by the authority. In the event that requests are received regarding projects which would be eligible for financing except for the limitations on new debt in Section 39620, such requests shall be considered in accordance with rules and regulations of the authority at such time as new indebtedness has been authorized pursuant to Section 39620.5. Such rules and regulations shall give priority to projects which will achieve the maximum conservation and reuse of resources and to projects for the pretreatment of industrial waste prior to discharge into a

sewerage system operated by a public agency. No project, construction of which was completed prior to the effective date of this section, may be financed by the authority under this division, provided, however, that additions and improvements to such a project which are commenced on or after the effective date of this section may be financed by the authority.

39616. Notwithstanding Section 13634 of the Water Code, the supervisors and operators of every waste water treatment plant of a participating party receiving financial assistance under this division shall possess a certificate of appropriate grade in accordance with the regulations adopted by the State Water Resources Control Board pursuant to Chapter 9 (commencing with Section 13625) of Division 7 of the Water Code.

This section shall become operative only if Assembly Bill No. 1691 of the 1972 Regular Session is enacted into law.

Article 3. Bonds and Notes

39620. The authority is authorized to incur indebtedness and to issue securities of any kind or class, and to renew the same, provided that all such indebtedness, howsoever evidenced, shall be payable solely from revenues of the authority and the proceeds of its bonds, as hereinafter defined, shall not exceed the sum of two hundred million dollars (\$200,000,000) of new debt, except as provided in this article. "New debt" shall not include indebtedness incurred to replenish or refund existing debts except to the extent that such indebtedness exceeds the amount of such debts.

39620.5. (a) At such times as the authority desires to issue bonds, as defined in Section 39620, in excess of the amount provided in Section 39620, it shall adopt a resolution specifying the total amount of such bonds proposed to be issued. The amount specified in any such resolution shall not exceed two hundred million dollars (\$200,000,000) of new debt.

Upon adoption of the resolution, the authority shall immediately cause copies thereof to be transmitted to the Senate Rules Committee and to the Speaker of the Assembly.

(b) Upon receipt of such a resolution, the Senate Rules Committee and the Speaker of the Assembly shall refer the resolution to a standing committee of their respective houses for study and a report. Such a report shall be made no later than the 50th calendar day of continuous session of the Legislature after the date on which the resolution was transmitted to each house of the Legislature.

(c) A resolution of either house of the Legislature, disapproving of the issuance of the bonds as proposed in the resolution of the authority may be made by floor motion within 10 calendar days following the submission of the report provided for in subdivision (b). Such a resolution shall be voted on without referral to committee.

If either house shall adopt such a resolution of disapproval, the authority shall not issue the bonds as proposed in its resolution. If neither house has adopted a resolution of disapproval within 10 calendar days as provided in this subdivision, the authority shall be authorized to issue the bonds as specified in its resolution.

(d) If the authority, pursuant to this section, submits to the Legislature a resolution proposing the issuance of bonds and the Legislature adjourns sine die before 60 continuous calendar days have elapsed, the authority shall not issue the proposed bonds. The authority may submit the same resolution, or a new resolution, proposing the issuance of bonds to the Legislature when it next convenes.

39621. (a) The authority is authorized from time to time to issue its negotiable bonds, notes, debentures, or other securities (hereinafter collectively called "bonds") for any corporate purpose. Such bonds may be authorized, without limiting the generality of the foregoing, to finance a single project for a single participating party, a series of projects for a single participating party, a single project for several participating parties, or several projects for several participating parties. In anticipation of the sale of such bonds as authorized by Section 39620, or as may be authorized pursuant to Section 39620.5, the authority may issue negotiable bond anticipation notes and may renew the same from time to time. Such bond anticipation notes may be paid from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. Notes and agreements relating thereto and bond anticipation notes, hereinafter collectively called notes, and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which a bond, agreement relating thereto, and bond resolution of the authority may contain; except that such note or renewal thereof shall mature at such time not exceeding two years from the date of issue of the original note.

(b) Except as may otherwise be expressly provided by the authority, every issue of its bonds, notes, or other obligations shall be general obligations of the authority payable from any revenues or moneys of the authority available therefor and not otherwise pledged, subject only to any agreements with the holders of particular bonds, notes, or other obligations pledging any particular revenues or moneys and subject to any agreements with any participating party. Notwithstanding that such bonds, notes, or other obligations may be payable from a special fund, they shall be and be deemed to be for all purposes negotiable instruments, subject only to the provisions of such bonds, notes or other obligations for registration.

(c) Subject to the limitations in Sections 39620 and 39620.5, the bonds may be issued as serial bonds or as term bonds, or the authority, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the authority and shall bear such date or dates, mature at such time or times, not exceeding 50 years

from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds or notes shall be sold by the State Treasurer within 60 days of receipt of a certified copy of the authority's resolution authorizing the sale of the bonds; provided, that the authority, at its discretion, may adopt a resolution extending such 60-day period. Such sales may be at public or private sale, and for such price or prices and on such terms and conditions, as the authority shall determine after giving due consideration to the recommendations of any participating party to be assisted from the proceeds of such bonds or notes. Pending preparation of the definitive bonds, the State Treasurer may issue interim receipts, certificates, or temporary bonds which shall be exchanged for such definitive bonds. The State Treasurer may sell any bonds, notes, or other evidence of indebtedness at a price below the par value thereof; provided, however, that the discount on any security so sold shall not exceed 6 percent of the par value thereof.

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to:

(1) Pledging the full faith and credit of the authority or pledging all or any part of the revenues of any project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation, or association or other body, public or private, or other moneys of the authority, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist.

(2) The rentals, fees, purchase payments, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues.

(3) The setting aside of reserves or sinking funds, and the regulation and disposition thereof.

(4) Limitations on the right of the authority or its agent to restrict and regulate the use of the project or projects to be financed out of the proceeds of the bonds or any particular issue of bonds.

(5) Limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds.

(6) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds.

(7) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(8) Limitations on expenditures for operating, administrative or other expenses of the authority.

(9) Defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default.

(10) The mortgaging of any project and the site thereof for the purpose of securing the bondholders.

(11) The mortgaging of land, improvements, or other assets owned by a participating party for the purpose of securing the bondholders.

(e) Neither the members of the authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The authority shall have power out of any funds available therefor to purchase its bonds or notes. The authority may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with bondholders.

39622. In the discretion of the authority, any bonds issued under the provisions of this division may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or projects, or any portion thereof, to be financed out of the proceeds of such bonds. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the authority authorizing bonds thereof. Any bank or trust company doing business under the laws of this state which may act as depositary of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

39623. Bonds issued under the provisions of this division shall not

be deemed to constitute a debt or liability of the state or of any political subdivision thereof, other than the authority, or a pledge of the faith and credit of the state or of any such political subdivision, other than the authority, but shall be payable solely from the funds herein provided therefor. All such bonds shall contain on the face thereof a statement to the following effect:

“Neither the faith and credit nor the taxing power of the State of California is pledged to the payment of the principal of or interest on this bond.”

The issuance of bonds under the provisions of this division shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. Nothing in this section contained shall prevent nor be construed to prevent the authority from pledging its full faith and credit to the payment of bonds or issue of bonds authorized pursuant to this division.

39624. (a) The authority is hereby authorized to provide for the issuance of bonds of the authority for the purpose of refunding any bonds, notes, or other securities of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such bonds, and, if deemed advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project or any portion thereof.

(b) The proceeds of any such bonds issued for the purpose of refunding outstanding bonds, notes, or other securities may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(c) Pending such use, any such escrowed proceeds may be invested and reinvested by the State Treasurer in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance

of such proceeds and interest, income, and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner.

(d) The portion of the proceeds of any such bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project may be invested and reinvested by the State Treasurer in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the authority in any lawful manner.

(e) All such bonds shall be subject to the provisions of this division in the same manner and to the same extent as other bonds issued pursuant to this division.

39625. If, in the opinion of the State Treasurer, any bonds issued by the authority under the provisions of this division are adequately secured and the revenues and other funds applicable to the payments of the bonds are, or upon the acquisition, construction, or improvement of the project for which such bonds were or are to be issued, will be sufficient to pay the principal of and interest on such bonds, then the State Treasurer shall certify that such bonds are legal investments for all trust funds, the funds of all insurance companies, banks, both commercial and savings, trust companies, savings and loan associations, and investment companies, for executors, administrators, trustees, and other fiduciaries, for state school funds, and for any funds which may be invested in county, municipal, or school district bonds, and that such bonds are securities which may properly and legally be deposited with, and received by, any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now, or may hereafter be, authorized by law, including deposits to secure public funds.

39626. No liability shall be incurred by the authority beyond the extent to which moneys have been provided under this division; except that for the purposes of meeting the necessary expenses of initial organization and operation until such date as the authority derives revenues or proceeds from bonds or notes as provided under this division, the authority may borrow money as needed for such expenses from the State Water Quality Control Fund, the General Fund in the State Treasury, and the California Environmental Protection Program Fund, or from any of such funds. Such borrowed moneys shall be repaid with interest within a reasonable time after the authority receives revenues or proceeds from bonds or notes as provided under this division.

Article 4. Construction and Leases of Facilities

39630. The authority may contract with any participating party for the construction of a project by such participating party. All such contracts for the construction of a project by a participating party shall provide that the participating party shall be responsible for the architectural and engineering design and for the construction and completion thereof subject to such standards for architectural and engineering design as may be established by the appropriate control agency specified in Section 39615, and subject to such supervision as the authority deems necessary. The authority may agree to pay the cost of such project constructed by any participating party and to advance such costs from time to time in installments or otherwise as required by the contract for the construction thereof. Title to all such projects shall be vested in the authority subject to the terms of any lease thereof to the participating party or the rights of a participating party under any contract for the purchase of such project including the payment of the purchase price under installment sales contracts.

39631. The authority may, as lessor or lessee, enter into leases and agreements with any participating party relating to the acquisition, construction, and installation of any project, including real property, buildings, equipment, and pollution control facilities of any kind or character. The terms and conditions of such leases may be as mutually agreed upon. Any such lease may provide the means or methods by which title shall vest in a participating party upon the termination of the lease and shall contain such other terms and conditions as the authority may determine. The authority is authorized to fix, revise, charge, and collect rates, rents, fees, and charges for each project. Such rates, rents, fees, and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from all projects so as to provide funds sufficient with other revenues and moneys available therefor, if any, to do all of the following:

(a) Pay the principal of and the interest on outstanding bonds, notes, or other evidences of indebtedness of the authority issued in respect of such project as the same shall become due and payable.

(b) Create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds, notes, or other evidences of indebtedness. A sufficient amount of the revenues derived from a project may be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and interest on such bonds, notes, or other evidences of indebtedness as the same shall become due, and the redemption price or the purchase price of bonds, notes, or other evidences of indebtedness retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees, and

charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement nor any other agreement nor any lease by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund may be a fund for all bonds, notes, or other evidences of indebtedness of the authority issued to finance projects of a particular participating party without distinction or priority of one over another; provided, that the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project or projects and for the bonds issued to finance a particular project or projects and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized to other bonds, notes, or other evidences of indebtedness of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds, notes, or other evidences of indebtedness.

(c) Pay operating and administrative costs of the authority.

39632. The authority may enter into contracts of sale with any participating party covering any project financed by the authority. The purchase price pursuant to such contract of sale shall be sufficient to provide funds for all the purposes provided in Section 39361 and may be paid in installments, together with interest on the unpaid balance, or otherwise, as may be mutually agreed and set forth in such contract of sale. All payments received by the authority under any installment sales or conditional sales contract shall be applied by the authority substantially in the same manner as hereinabove provided in Section 39631 in the case of lease payments or rental charges received by the authority.

39633. All moneys received pursuant to the provisions of this division, whether as proceeds from the sale of bonds, notes, or other evidences of indebtedness or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this division. Any bank or trust company with which such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

39634. Any holder of bonds, notes, or other obligations issued under the provisions of this division or any of the coupons

appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds, notes, or other obligations, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this division or by such resolution or trust agreement to be performed by the authority or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of the rates, rents, fees, and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established, and collected.

39635. The exercise of the powers granted by this division shall be in all respects for the benefit of the people of this state, for their health and welfare, and protection of the state's environment. Any bonds, notes, or other obligations issued under the provisions of this division, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the state and by municipalities and other political subdivisions of the state. Provided, however, that the preceding sentence shall not apply with respect to any bonds, notes or other obligations, or the income therefrom, for any period during which such bonds, notes or other obligations are held by (a) any participating party, (b) persons, organizations, trades, or businesses (whether or not incorporated, organized in this state, or affiliated with such participating party) owned or controlled, directly or indirectly, by such participating party, or (c) persons, organizations, trades or businesses (whether or not incorporated, organized in this state, or affiliated with such participating party) which own or control, directly or indirectly, such participating party.

CHAPTER 2. SUPPLEMENTAL PROVISIONS

39640. This division, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

39641. This division shall be deemed to provide a complete, additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws; provided, that the issuance of bonds and refunding bonds under the provisions of this division need not comply with the requirements of any other law applicable to the issuance of bonds; and provided, that in the construction and acquisition of a project pursuant hereto the authority need not comply with the requirements of any other law applicable to the construction or acquisition of public works except as specifically provided in this division. Pollution control facilities and projects as defined in subdivision (e) of Section 39603 may be

acquired, constructed, completed, repaired, altered, improved, or extended, and bonds may be issued for any such purposes under this division notwithstanding that any other law may provide for such acquisition, construction, completion, repair, alteration, improvement, or extension of like pollution control facilities or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

39642. The State of California does hereby pledge to and agree with the holders of any obligations issued under this division, and with those parties who may enter into contracts with the authority pursuant to the provisions of this division, that the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the authority, provided nothing herein contained shall preclude such limitation or alteration if and when adequate provision shall be made by law for the protection of the holders of such obligations of the authority or those entering into such contracts with the authority. The authority as agent for the state is authorized to include this pledge and undertaking for the state in such obligations or contracts.

39643. To the extent that the provisions of this division, with respect to the financing of pollution control facilities, are inconsistent with the provisions of any general statute or special act or parts thereof, with respect to the financing of pollution control facilities, the provisions of this division shall be deemed controlling.

CHAPTER 1258

An act to add Chapter 5.7 (commencing with Section 5761) to Division 6 of the Education Code, relating to bilingual education, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 20, 1972. Filed with
Secretary of State December 20, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.7 (commencing with Section 5761) is added to Division 6 of the Education Code, to read:

CHAPTER 5.7. THE BILINGUAL EDUCATION ACT OF 1972

5761. The Legislature finds that there are large numbers of children in this state who come from families where the primary language is other than English. To determine more exactly the need in this area, an annual census is necessary. The inability to speak, read

and comprehend English presents a formidable obstacle to classroom learning and participation which can be removed only by instruction and training in the pupils' dominant language. In many of the public schools an inordinately high percentage of pupils are unable to speak the English language. The Legislature further recognizes that high quality bilingual programs in the public schools would allow the acquisition by students of educational concepts and skills needed to improve the development of human resources in this state. The Legislature finds and declares that a primary goal of such programs is, as effectively and efficiently as possible, to develop in each child fluency in English so that he may then be enrolled in the regular program in which English is the language of instruction.

The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means and incentives to train and employ bilingual education teachers and paraprofessional personnel, and to stimulate the hiring of such personnel. It is the intent of the Legislature that public institutions of higher learning shall train bilingual personnel to meet the needs of school districts.

It is the purpose of this chapter to allow public schools of the State of California which choose to participate to establish bilingual education programs. The primary goals of such programs shall be to develop competence in two languages for all participating pupils, to provide positive reinforcement of the self-image of participating children, and to develop intergroup and intercultural awareness among pupils, parents and the staff in participating school districts. Insofar as the individual pupil is concerned, pupil participation is voluntary on the part of the parent. It is the intent of the Legislature to provide supplemental financial assistance to help school districts to meet most of the special costs of phasing-in bilingual education programs.

5761.1. The State Board of Education shall adopt all rules and regulations necessary for the effective administration of this chapter.

5761.2. (a) "Bilingual education" is the use of two languages, one of which is English, as a means of instruction in any subject or course. It is a means of instruction in which concepts and information are introduced in the dominant language of the student and reinforced in the second language. It recognizes that teaching of language skills is most meaningful and effective when presented in the context of an appreciation of cultural differences and similarities.

(b) "Children of limited-English-speaking ability" are defined as children who speak a language other than English in their home environment and who are less capable of performing school work in English than in their primary language.

(c) A "non-English-speaking child" is a child who communicates in his or her home language only. Such child is unable to conduct basic conversations in English or take advantage from classroom instruction in English.

(d) "Primary language" is a language other than English which is the language which the child first learned or the language which is

spoken in the child's home environment.

(e) "Bilingual teacher" means a teacher fluent in both English and the primary language of the limited-English-speaking pupils in a bilingual program. Such a teacher need not be certificated to teach in both languages, and may be exempted from other certification requirements as set out in Section 5764.

(f) "Bilingual aide" means an aide fluent in both English and the primary language of the limited-English-speaking pupils in a bilingual program.

(g) "Board" means the State Board of Education.

(h) "Superintendent" means the Superintendent of Public Instruction.

(i) "Project" means an organized undertaking in bilingual education which includes, but is not limited to (1) a description of the undertaking, (2) a listing of the goals and objectives to be achieved, (3) a statement of the teaching methods to be used, and (4) a statement of the methods to be used in evaluating the success of the project.

5761.3. Each school district shall ascertain, not later than the first day of March of each year, under regulations prescribed by the State Board of Education, the number of children of limited-English-speaking ability within their school system, and shall classify them according to their primary language. Those children who are non-English-speaking shall be counted separately. The results of this census shall be reported to the Department of Education by the first day of April of each year.

5761.4. Each non-English-speaking child shall receive special assistance from the school district which he attends. This instructional assistance shall be provided in any manner approved by the local board of education. This section shall not be construed to require participation by any school district in the bilingual program established by this chapter.

5761.5. Each participating school district shall prepare a determination of what actually exists, in terms of educational achievement levels in a given school district and the subsequent need for a bilingual program. This determination is a "need assessment." The need assessment shall be verified by a school district advisory committee composed of parents of potential participants in the bilingual program.

5761.6. Each school district which wishes to participate shall write a project on forms provided by the Department of Education, with the following components: (a) identified goals for bilingual education as determined by the local need assessment, (b) the identification of objectives for the attainment of these goals (the objectives to be stated in measurable terms), (c) a description of how the student is to demonstrate the knowledge or skill to be achieved, (d) the level of performance which will be accepted, (e) a management plan to organize, coordinate and monitor with distinctly outlined plans that will ensure success in the bilingual

program; (f) teacher and aide preservice training which will identify and improve knowledge levels of each teacher and aide in teaching methodology, and bilingual philosophy and education (g) an in-service training program for teachers and aides that is linked with an institution of higher education, which shall include the establishment of a liaison with a nearby institution of higher education and the solicitation of help from such institution in order to continually upgrade the bilingual educational program, (h) a parent-teacher communications plan (i) a plan for the gradual assumption of the costs of the bilingual program by the district.

5761.7. Each participating school district shall have an articulated sequential program of instruction in bilingual education, designed to develop competence in English and in the primary language of the limited-English-speaking participants. Such sequential program shall include criteria, developed with the assistance of the Department of Education, for the placement and removal of pupils in a bilingual program.

5761.8. At the beginning of each school year, the district shall evaluate each child to be placed in a bilingual program. His strengths and weaknesses in English and in the second language of instruction shall be assessed. At least annually there shall be submitted to the Department of Education an evaluation of the children's progress, including, but not limited to, reading comprehension and speaking skills, in English and the second language of instruction. Such evaluation shall be prepared in the form and manner prescribed by the Department of Education.

5761.9. In bilingual classes established pursuant to this chapter, there shall be an approximate balance between the number of children whose primary language is other than English, and children proficient in English. Not more than two-thirds of the children enrolled in any such class shall be limited-English-speaking children.

Instruction shall be conducted in both English and in the primary language of the limited-English-speaking children.

5762. All bilingual programs which involve special state funding shall be approved by the State Board of Education and selection shall be made on a priority basis in accordance with criteria established by the Department of Education. The application shall be made on forms provided by the superintendent, in accordance with the rules and regulations adopted by the board. The dates for making application shall be established by the superintendent.

The governing boards of two or more school districts may jointly apply for a project in bilingual education.

5763. Each school district receiving state or federal funds for bilingual education shall establish a districtwide advisory committee in which parents (not employed by the district) of participating students shall constitute more than a simple majority, or shall designate for this purpose an existing districtwide advisory structure in which such parents constitute more than a simple majority. A parent advisory group in which parents of participating students

shall constitute a simple majority shall be established, or designated from an existing parent group, at each school having a bilingual program.

The Department of Education shall develop guidelines for the process of selection of advisory group members.

5764. All teachers teaching classes funded by this chapter shall be bilingual teachers as defined in subdivision (e) of Section 5761.2.

In recognition of the shortage of qualified bilingual teachers, a district may, after diligent search and recruitment in California with the assistance of the Department of Education, request from the Superintendent of Public Instruction (a) waiver of certification requirements of such teachers, or (b) authorization to utilize for two years only, a monolingual teacher and a bilingual aide or aides for classes funded under this chapter.

5764.5. The Department of Education shall administer the provisions of this chapter. The responsibilities of the Department of Education in administering this chapter shall include, but are not limited to, the following:

(a) To review proposals from school districts made in accordance with this chapter; and to recommend acceptable projects for approval by the board;

(b) To encourage experimentation and innovation in the field of bilingual education at the school, district and state levels;

(c) To foster the maximum practicable involvement of parents of children enrolled in bilingual classes;

(d) To make recommendations to districts in the areas of in-service training for teachers and teacher aides, curriculum, testing and testing mechanisms, and the development of materials for bilingual education classes;

(e) To develop and recommend to the Commission for Teacher Preparation and Licensing standards for the certification of teaching personnel for bilingual classes;

(f) To develop an annual evaluation of bilingual programs within the state for submission to the Legislature and to the Governor.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of five million dollars (\$5,000,000) to the Department of Education, for programs established pursuant to the Bilingual Education Act of 1972 (Chapter 5.7 (commencing with Section 5761) of Division 6 of the Education Code) to be apportioned according to the following schedule:

- (a) For the 1972-1973 fiscal year \$1,000,000
- (b) For the 1973-1974 fiscal year 4,000,000

Funds appropriated for purposes of this act but not expended shall be carried over to the next fiscal year but new costs in the 1973-1974 fiscal year shall not exceed four million dollars (\$4,000,000). Financing of such programs provided by the state is intended to encourage and facilitate the phasing-in of such bilingual education programs so they may eventually be maintained by the school district as a part of the regular instruction program.

After the third year of program operation, the Superintendent of Public Instruction shall review the progress toward district assumption of the costs of the bilingual program. Not more than two hundred thousand dollars (\$200,000) may be used by the Department of Education for the administration of the Bilingual Education Act of 1972, and the remainder shall be available for allocation to school districts, with the approval of the Department of Education, for the following purposes only:

- (1) The employment of bilingual teacher aides;
- (2) The purchase of special bilingual teaching materials;
- (3) The costs of special in-service training and staff development with preference given to teachers and teacher aides employed as part of the bilingual program;
- (4) Reasonable expenses (which may include transportation, child care, meals, and training) of parent advisory groups on bilingual education, at the school and district level;
- (5) The purchase of special equipment to be used exclusively in the bilingual programs.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the programs authorized by this act to begin operation as early in the 1972-1973 fiscal year as possible, and so facilitate the orderly administration of such programs, it is necessary that this act take effect immediately.

CHAPTER 1259

An act to add Chapter 1.4 (commencing with Section 5093.50) to Division 5 of the Public Resources Code, relating to wild and scenic rivers.

[Approved by Governor December 20, 1972. Filed with
Secretary of State December 20, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.4 (commencing with Section 5093.50) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.4. CALIFORNIA WILD AND SCENIC RIVERS ACT

5093.50. It is the policy of the State of California that certain rivers which possess extraordinary scenic, recreational, fishery or wildlife values, shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state. The Legislature declares that

such use of these rivers is the highest and most beneficial use and is a reasonable and beneficial use of water within the meaning of Section 3 of Article XIV of the State Constitution. It is the purpose of this chapter to create a California Wild and Scenic Rivers System to be administered in accordance with the provisions of this chapter.

5093.51. This chapter shall be known as the California Wild and Scenic Rivers Act.

5093.52. As used in this chapter:

(a) "Secretary" means the Secretary of the Resources Agency.

(b) "Resources Agency" means the Secretary of the Resources Agency and such constituent units of the Resources Agency as the secretary deems necessary to accomplish the purposes of this chapter.

(c) "River" means the water, bed, and shoreline of rivers, streams, channels, lakes, bays, estuaries, marshes, wetlands and lagoons.

(d) "Free-flowing" means existing or flowing in a natural condition without artificial impoundment, diversion or other modification of the waterway. The presence of low dams, diversion works, and other minor structures shall not automatically bar any river's inclusion within the system; provided, however, that this subdivision shall not be construed to authorize or encourage future construction of such structures on any component of the system.

(e) "System" means the California Wild and Scenic Rivers System.

5093.53. Those rivers or segments of rivers designated for inclusion in the system shall be classified by the secretary as one of the following:

(a) Wild rivers, which are those rivers or segments of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.

(b) Scenic rivers, which are those rivers or segments of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(c) Recreational rivers, which are those rivers or segments of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

5093.54. The following rivers are designated as components of the system:

(a) Klamath River. The main stem from 100 yards below Iron Gate Dam to the Pacific Ocean; the Scott River from the mouth of Shackleford Creek west of Fort Jones to the river mouth near Hamburg; the Salmon River from Cecilville Bridge to the river mouth near Somesbar; the North Fork of the Salmon River from the intersection of the river with the south boundary of the Marble Mountain Wilderness Area to the river mouth; Wooley Creek, from the western boundary of the Marble Mountain Wilderness Area to its

confluence with the Salmon River.

(b) Trinity River. The main stem from 100 yards below Lewiston Dam to the river mouth at Weitchpec; the North Fork of the Trinity from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth at Helena; New River from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth near Burnt Ranch; South Fork of the Trinity from the junction of the river with State Highway 36 to the river mouth near Salver.

(c) Smith River and all its tributaries, from the Oregon-California state boundary to the Pacific Ocean.

(d) Eel River. The main stem from 100 yards below Van Arsdale Dam to the Pacific Ocean; the South Fork of the Eel from the mouth of Section Four Creek near Branscomb to the river mouth below Weott; Middle Fork of the Eel from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the river mouth at Dos Rios; North Fork of the Eel from the Old Gilman Ranch downstream to the river mouth near Ramsey; Van Duzen River from Dinsmores Bridge downstream to the river mouth near Fortuna. It is the intent of the Legislature, with respect to the Eel River and its tributaries, that after an initial period of 12 years following the effective date of this chapter, the Department of Water Resources shall report to the Legislature as to the need for water supply and flood control projects on the Eel River and its tributaries, and the Legislature shall hold public hearings to determine whether legislation should be enacted to delete all or any segment of the river from the system.

(e) American River. The North Fork from its source to the Iowa Hill Bridge; the Lower American from Nimbus Dam to its junction with the Sacramento River.

(f) Other rivers which qualify for inclusion in the system may be recommended to the Legislature by the secretary.

5093.55. Except as provided in subdivision (d) of Section 5093.54, no dam, reservoir, or other water impoundment facility, other than temporary flood storage facilities permitted pursuant to Section 5093.57, shall be constructed on or directly affecting any river designated in Section 5093.54 after the effective date of this chapter; nor shall any water diversion facility be constructed on any such river unless and until the secretary determines that such facility is needed to supply domestic water to the residents of the county or counties through which the river flows, and unless and until the secretary determines that facility will not adversely affect its free-flowing condition or natural character.

5093.56. Except for geologic, hydrologic, economic, or any other technical studies deemed necessary or desirable by the Department of Water Resources in order to determine the feasibility of alternate sites for dams on the Eel River and its tributaries, which studies are hereby authorized, no department or agency of the state shall assist

or cooperate, whether by loan, grant, license, or otherwise, with any department or agency of the federal, state, or local government, in the planning or construction of any project that could have an adverse effect on the free-flowing, natural condition of the rivers included in the system.

5093.57. Nothing in this chapter shall be construed to prohibit any measures for flood protection, structural or nonstructural, necessary for the protection of lives and property along the Eel River as described in subdivision (d) of Section 5093.54, except for dams, reservoirs, or other water impoundment structures; provided, however, that such measures for flood protection may include facilities for temporary flood storage or flood storage basins on tributaries of the Eel River.

5093.58. The secretary shall do all of the following:

(a) Determine which of the classes described in Section 5093.53 best fit each segment of the rivers included in the system.

(b) Prepare a management plan to administer the rivers and their adjacent land areas in accordance with such classification.

(c) Submit such management plan to the Legislature for its approval.

5093.59. The secretary shall develop the management plan in close cooperation with the counties through which the rivers flow and their political subdivisions. Prior to adoption of any management plan, the secretary shall, after notice, hold a public hearing in each county through which the rivers flow and shall submit the plan to each county for its review as to the portion of the plan affecting the county.

5093.60. The secretary shall be responsible for the administration of the system. Each component of the system shall be administered so as to protect and enhance the values for which it was included in the system, without unreasonably limiting lumbering, grazing, and other resource uses, where the extent and nature of such uses do not conflict with public use and enjoyment of these values.

5093.61. All departments and agencies of the state and all local governmental agencies shall exercise their powers in a manner consistent with the provisions of this chapter. The Resources Agency shall cooperate with the appropriate water quality control agencies for the purpose of eliminating or diminishing the pollution of waters of the rivers included in the system.

5093.62. Nothing in this chapter shall affect the jurisdiction or responsibility or the state with regard to fish and wildlife. Hunting and fishing may be permitted on lands and waters administered as parts of the system under applicable state or federal laws and regulations.

5093.63. Nothing in this chapter shall be construed to permit or require the reservation, use, or taking of private property for scenic, fishery, wildlife, or recreation purposes, for inclusion in the system or for other public use, without just compensation.

5093.64. If any provision of this chapter or the application thereof

to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

CHAPTER 1260

An act to repeal Chapter 2.5 (commencing with Section 17065) of Part 10 of Division 2 of, and to add Chapter 2.5 (commencing with Section 17065) to Part 10 of Division 2 of, the Revenue and Taxation Code, relating to tax credits under the Personal Income Tax Law, to take effect immediately, tax levy.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. It is the purpose of this act to afford parents and guardians of children in grades kindergarten through 12 some state income tax relief when they, in exercising their right of educational choice for their children, relieve the state's taxpayers of the public costs of educating such children.

SEC. 2. (a) The Legislature finds that approximately 5,000,000 children attend grades kindergarten through 12 in California and that 392,442 of these youngsters attend nonpublic schools.

(b) Under Sections 17751 and 17801 of the Education Code, the minimum amount the state may provide for the support of these children in public schools is one hundred twenty-five dollars (\$125) for each unit of average daily attendance, and the average combined state and local expenditure for each unit of average daily attendance for the 1972-73 fiscal year will exceed nine hundred dollars (\$900). Moreover, recent judicial decisions, such as *Serrano v. Priest* (1971), 5 Cal. 3d 584, may place additional burdens on taxpayers for the support of the public schools in amounts which are presently not subject to calculation.

(c) Private support of nonpublic school students currently saves state and local taxpayers approximately three hundred fifty million dollars (\$350,000,000) annually.

(d) Rising costs of education in nonpublic schools have forced many parents to withdraw their youngsters from private schools and to enroll them in public schools at public expense. During the past six years, some 65 nonpublic schools have closed. Nonpublic school enrollment has dropped by 60,000 students. During the 1972-73 fiscal year, the resultant increase in enrollment in public schools will require an expenditure of fifty-five million dollars (\$55,000,000). The Legislature believes that it is in the best interest of the taxpayers of the state and school districts for nonpublic elementary and

secondary schools to continue their operation since their closing imposes immediate burdens upon the state and public school districts to support the cost of education of children enrolled in such nonpublic schools in the public schools and would threaten the quality of education offered to children enrolled by their parents in the public schools.

(e) The problem of parental inability to afford desired nonpublic schooling is particularly acute in low-income urban centers where a majority of nonpublic schools are clustered.

(f) The Legislature believes that the public interest is best served through competition and diversity in educational opportunity offered by public and nonpublic schools; nonpublic schools complying with state standards as required by law fulfill a public purpose by serving the general welfare of the people of the state.

(g) Therefore, the Legislature declares that it serves the general welfare of the people of the state to grant some income tax relief to parents and guardians of youngsters enrolled in nonpublic elementary and secondary schools to defray part of the cost of such children's secular education.

SEC. 3. Chapter 2.5 (commencing with Section 17065) of Part 10 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 4. Chapter 2.5 (commencing with Section 17065) is added to Part 10 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 2.5. CREDITS FOR EDUCATION COSTS

17065. As used in this chapter—

(a) "Nonpublic school" means a school described in Sections 12154 and 12154.5 of the Education Code providing instruction in any or all of grades kindergarten through 12, if such school is not conducted for profit and complies with the provisions of Section 2000a and following of the United States Code (relating to the Civil Rights Act of 1964).

(b) "Education cost" means tuition and classroom instruction fees payable during the regular academic year when Sections 12154 and 12154.5 of the Education Code are applicable. There is excluded from "education cost" any amounts paid to an individual with respect to the education of a dependent under the provisions of Chapter 8.2 (commencing with Section 6870) of Division 6 of the Education Code.

17066. (a) An individual computing his tax under Section 17041 or 17048 shall be allowed a credit against the taxes imposed by this part in the amount of education cost paid to a nonpublic school during the taxable year for each dependent (as defined in Section 17056), which shall be in addition to all other credits allowed under this part, except the credit provided in Section 18551.1 (relating to withholding credit) and the credit provided in Section 17061 (relating to excess tax credit).

(b) The credit allowed by subdivision (a), as it applies to each

dependent, shall not exceed the amount of education cost paid to a nonpublic school during the taxable year or the amount set forth in this subdivision, whichever is less.

If adjusted gross income is:	The maximum tax credit is:
Less than \$15,000	\$125
15,000 but less than 16,000	100
16,000 but less than 17,000	75
17,000 but less than 18,000	50
18,000 but less than 19,000	25
19,000 and over	0

(c) If the husband and wife file separate returns, their combined adjusted gross income shall be taken into account in computing the amount of the credit pursuant to the schedule in subdivision (b).

17067. No credit shall be allowed under this chapter unless the return is accompanied by a receipt or receipts for each student signed by an official of such student's nonpublic school of enrollment showing the following information:

(a) The name and location of the nonpublic school in which the student is enrolled.

(b) The date or dates of payment and the amount paid for education costs.

(c) The grade or grades in which the student is enrolled during the period for which payment was made.

(d) The name of the student and the name of the individual paying the education costs.

SEC. 5. In repealing Chapter 2.5 (commencing with Section 17065) of Part 10 of Division 2 of the Revenue and Taxation Code by Section 3 of this act, the Legislature specifically directs attention to Section 17029 of such code, the provisions of which apply to such repeal.

SEC. 6. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of Section 4 of this act shall apply in the computation of taxes for taxable years beginning after December 31, 1972.

CHAPTER 1261

An act to add Article 2 (commencing with Section 44971) to Chapter 9 of Division 17 of the Agricultural Code, relating to agricultural products.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 44971) is added to Chapter 9 of Division 17 of the Agricultural Code, to read:

Article 2. Container Certification and Fees

44971. Avocados produced in this state which are being prepared for market shall be certified as complying with the provisions of Article 1 (commencing with Section 44951) of this chapter and the applicable regulations relating thereto.

44972. If the director finds that avocados which are being prepared for market conform to the applicable standards, he shall so indicate by an official stamp placed on each flat, carton, or any other container by, or under the supervision of, the inspector, stating that the applicable standards have been complied with on the date of pack.

44973. Except as may be otherwise provided for by the rules and regulations adopted pursuant to Section 44976, it is unlawful for any person to ship to market any container of avocados which do not bear the official stamp placed pursuant to Section 44972.

44974. Each handler of avocados shall pay to the director an inspection and certification fee based on the number of flats, cartons, or other containers certified, as determined by the director; however, in no event shall such fee be greater than three cents (\$.03) per flat, carton, or any other container. The director may adjust the fee from time to time and reduce it whenever he finds that the cost of administering this article may be defrayed from revenue derived from lower fees.

44975. The moneys which are received by the director pursuant to this chapter shall be deposited in the Department of Agriculture Fund and shall be used only for the administration and enforcement of this chapter, including, but not limited to, payments to the commissioners.

44976. The director may adopt such regulations as he determines are reasonably necessary to carry out the provisions of this chapter.

44977. The director may enter into an agreement with any commissioner for the enforcement of this article or the regulations adopted pursuant to this chapter.

CHAPTER 1262

An act relating to public facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Item 321.1, subdivision A, of Chapter 156 of the Statutes of 1972 (Budget Act), the provisions of such subdivision shall be deemed to refer to the City of Corcoran and not the County of Kings, and the appropriation thereby made shall be payable only to the City of Corcoran.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure that the important benefits created by this act be received as soon as possible, it is necessary that this act take effect immediately.

 CHAPTER 1263

An act to add Section 75109.5 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 75109.5 is added to the Government Code, to read:

75109.5. The State Controller shall keep in convenient form such data as is necessary for the actuarial valuation of this retirement law. As of June 30, 1973, and thereafter at the ends of periods not to exceed four years, he shall cause to be made an actuarial investigation into the mortality, service and compensation experience of members and persons receiving benefits and an actuarial valuation of the assets and liabilities of this retirement law. From time to time he shall determine the rate of interest being earned on the Judges' Retirement Fund.

The State Controller shall cause to be published, as of the date of the investigation and valuation, a financial statement showing an actuarial valuation of the assets and liabilities of the system and a certified statement as to the accumulated cash and securities in the Judges' Retirement Fund. The State Controller shall include

recommendations for financing the retirement law in the financial statement.

CHAPTER 1264

An act to add Section 18412.1 to the Financial Code, relating to industrial loan companies.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18412.1 is added to the Financial Code, to read:

18412.1. The prohibition contained in Section 18412 shall not apply to the purchase by an industrial loan company of a contract or chose in action from a personal property broker provided written authorization for such purchase is obtained from the commissioner.

CHAPTER 1265

An act to amend Sections 5952, 12551, and 12553 of, to amend and renumber Section 12551.5 of, to add Sections 12601, 12602, 12603, 12604, and 12605 to, and to repeal Section 12601 of, the Education Code, relating to pupils.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5952 of the Education Code is amended to read:

5952. The governing board of each high school district and each unified school district shall establish and maintain within its boundaries special continuation education classes and may establish and maintain regional occupational centers or programs, in accordance with the provisions of Section 7451, whenever there are any minors residing within the district who are subject to compulsory continuation education; provided, that if there are fewer than 100 students enrolled in grade 12 in any school of the district maintaining that grade, the governing board of the district may apply to the State Department of Education for exemption of that school from the requirements of this section and such exemption may be granted in accordance with rules and regulations that shall be adopted by the State Board of Education to govern the granting of the exemptions.

An exemption may also be granted to schools having an enrollment of more than 100 pupils in grade 12 if the district seeking the exemption has entered into an agreement with another high school district or unified school district to maintain special continuation education classes for minors residing in either of the districts, but shall not be granted if the agreement would make it necessary for such minors to travel an excessive distance from their homes to the continuation education classes.

If there is a regional occupational center or program as provided in Chapter 14 (commencing with Section 7450) of Division 6 within a county, the governing board of any school district within that county may enroll minors, otherwise subject to, and in lieu of, continuation education, in the center or program in accordance with the provisions of Section 7455.

SEC. 2. Section 12551 of the Education Code is amended to read:

12551. All persons 16 years of age or older and under 18 years of age, not otherwise exempted by this chapter, shall attend upon special continuation education classes maintained by the governing board of the high school district in which they reside, or by the governing board of a neighboring high school district, for not less than four 60-minute hours per week for the regularly established annual school term. Such minimum attendance requirement of four 60-minute hours per week may be satisfied by any combination of attendance upon special continuation education classes and regional occupational centers or programs.

SEC. 3. Section 12551.5 of the Education Code is amended and renumbered to read:

12606. In the case of attendance upon private school, exemption from the requirements of attendance upon compulsory continuation education shall be valid only after verification by the attendance supervisor of the district, or other person designated by the board of education, that the private school has complied with the provisions of Section 29009.5 of the Education Code requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course.

SEC. 4. Section 12553 of the Education Code is amended to read:

12553. Whenever a minor subject to the provisions of this chapter, who is not otherwise exempted by this chapter, cannot give satisfactory proof of regular employment he shall attend, for not less than three hours per day, special continuation education classes during the period of unemployment. The minimum attendance requirement of three hours per day may be satisfied by any combination of attendance upon special continuation education classes and regional occupational centers or programs.

SEC. 5. Section 12601 of the Education Code is repealed.

SEC. 6. Section 12601 is added to the Education Code, to read:

12601. There are exempted from compulsory attendance in continuation education classes as otherwise required by Sections 12551 and 12553, persons who:

(a) Have been graduated from a high school maintaining a four-year course above the eighth grade of the elementary schools, or who have had an equal amount of education in a private school or by private tuition.

(b) Are in attendance upon a public or private full-time day school, or satisfactory part-time classes maintained by other agencies.

(c) Are disqualified for attendance upon these classes because of their physical or mental condition, or because of personal services that must be rendered to their dependents.

(d) Are satisfactorily attending a regional occupational program or center as provided in Section 5952.

(e) Have successfully demonstrated proficiency equal to or greater than standards as established by the Department of Education pursuant to Section 12603, and have verified approval submitted by their parent or guardian.

SEC. 7. Section 12602 is added to the Education Code, to read:

12602. A person 16 years of age or older and under 18 years of age who is exempt from compulsory continuation attendance under subdivision (e) of Section 12601 and who has been awarded a certificate of proficiency by the State Board of Education pursuant to Section 12603 may enroll in graded classes at a community college on either a part-time or full-time basis if he has the consent of the president of the community college. The enrollment of persons pursuant to this section shall not exceed 1 percent of the total enrollment of the community college.

SEC. 8. Section 12603 is added to the Education Code, to read:

12603. (a) Any person subject to compulsory continuation education may request to have his proficiency in basic subject matter skills verified by the school district based upon criteria established by the Department of Education.

The State Board of Education shall award a "certificate of proficiency" to pupils who demonstrate such proficiency. The certificate of proficiency shall not be a high school diploma.

(b) The Department of Education shall develop standards of competency in basic skills in public high schools and shall prepare and make available to school districts means to verify the attainment of such competency in order to measure eligibility for exemption from compulsory continuation attendance as provided in subdivision (f) of Section 12601 no later than January 1, 1975.

Subdivision (a) of this section shall become operative September 1, 1975.

SEC. 9. Section 12604 is added to the Education Code, to read:

12604. Persons 16 years of age or older and under 18 years of age who have not been graduated from high school shall be permitted by the governing board to enroll in continuation classes conducted by the school district pursuant to Article 4 (commencing with

Section 5950) of Chapter 6 of Division 9 if such enrollment does not preclude attainment of the goals of continuation education schools and classes prescribed in Article 4 (commencing with Section 5950) of Chapter 6 of Division 6, as determined by the governing board. The provisions of Article 7 (commencing with Section 12401) of Chapter 6 of Division 9 shall be applicable to such persons.

SEC. 10. Section 12605 is added to the Education Code, to read:

12605. Any person 16 or 17 years of age exempt from compulsory continuation attendance laws by subdivision (e) of Section 12601 shall be permitted by the governing board of the school district from which the student came to reenroll in the district, without prejudice, as if he had never taken advantage of subdivision (e) of Section 12601.

SEC. 11. The Department of Education shall, not later than the fifth calendar day of the 1975 Regular Session, submit to the Legislature a report on the development of means to determine proficiency provided for in Section 12555 of the Education Code.

CHAPTER 1266

An act to amend Section 6224 of the Public Resources Code, relating to state lands.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6224 of the Public Resources Code is amended to read:

6224. Any person who fails to pay to the commission any sum due within the time required by any lease or agreement shall pay a penalty to the state of 5 percent, and in addition thereto shall pay to the state interest of $\frac{1}{2}$ percent per month upon the amount due from the date on which the amount became due and payable to the state until the date of payment. The provisions hereof are in addition to any other rights or remedies of the state resulting from such failure to pay any sum due.

CHAPTER 1267

An act to amend Section 1 of Chapter 1273 of the Statutes of 1969, relating to the conveyance of lands adjacent to the Puddingstone State Recreation Area.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1273 of the Statutes of 1969 is amended to read:

Section 1. The Director of Parks and Recreation is authorized to grant to the County of Los Angeles, all the right, title and interest of the State of California to all lands included within the Puddingstone State Recreation Area, and lands adjacent thereto which are under the jurisdiction of the Director of Parks and Recreation, upon such conditions as are set forth in Sections 2, 3 and 4 of this act. The state shall be held harmless for any cost of the transfer of such lands occurring after the effective date of the amendment to this act enacted during the 1972 Regular Session of the Legislature.

CHAPTER 1268

An act to add Sections 18802.5 and 18753 to the Business and Professions Code, relating to boxing.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18802.5 is added to the Business and Professions Code, to read:

18802.5. (a) The commission shall, consistent with the purposes of this article, promulgate rules and regulations requiring that a disability insurance program be provided, if feasible, for each amateur boxer who performs on the same program as a professional boxing contest, sparring match, or exhibition.

(b) The cost of the disability insurance program for the amateur boxer shall be borne entirely by the promoter of the professional program at which the amateur boxer performs.

(c) (1) A promoter may, but is not required to, add to the price of each ticket sold for a professional boxing contest an amount specifically designated by him on the ticket for contribution as a donation to the disability insurance program established by this section. Such additional amount shall not be subject to the admissions tax required by Section 18711. Nothing in this subdivision shall authorize the addition of such amounts to less than all of the tickets sold for the professional boxing program involved.

(2) At the time of payment of the admissions tax required by Section 18711, a promoter shall pay to the commission any amounts collected pursuant to this subdivision.

(3) Money received pursuant to this subdivision shall be deposited in the Amateur Boxer Disability Account which is hereby created in

the General Fund, to be held in trust and appropriated without regard to fiscal years for purposes of this section, as follows:

(i) For the benefit of the promoter who donated the money to meet his costs of providing disability insurance pursuant to this section. Nothing in this subdivision shall grant to any person other than the promoter who donated the money any right or interest in such account.

(ii) In the event the promoter dies or retires, for the benefit of all other promoters in meeting their costs of providing disability insurance pursuant to this section.

SEC. 2. Section 18753 is added to the Business and Professions Code, to read:

18753. No amateur boxing contests, sparring matches, or exhibitions shall be held on the same program as professional boxing contests, sparring matches, or exhibitions unless the promoter of the professional boxing contest, sparring match, or exhibition has provided, if feasible, disability insurance for the amateurs as provided in Section 18802.5.

CHAPTER 1269

An act to amend Section 9609 of the Business and Professions Code, and to amend Sections 8250 and 8739.1 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor December 21, 1972 Filed with
Secretary of State December 21, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 9609 of the Business and Professions Code is amended to read:

9609. This act does not apply to any of the following:

(a) A religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) A public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, established prior to September 19, 1939; however, (1) such cemeteries shall be subject to the cemetery brokerage provisions of this act, and (2) any such cemetery shall be subject to all of the provisions of this act if it collects a care, maintenance or embellishment deposit or sets up a trust for burial purposes pursuant to Section 8775 of the Health and Safety Code, including funeral services such as mortuary, cremation or other commodities or services furnished at the time of and in connection with such funeral or cremation.

SEC. 2. Section 8250 of the Health and Safety Code is amended to read:

8250. Except as provided in subdivision (c) of this section, the provisions of this part do not apply to any of the following:

(a) Any religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) Any public cemetery.

(c) Any private or fraternal burial park not exceeding 10 acres in area, heretofore established; provided, however, (1) that the provisions of Chapter 6 (commencing at Section 8800) and Chapter 7 (commencing at Section 8825) of this part are applicable thereto, and (2) all of the provisions of this part shall apply to any such cemetery that collects a care, maintenance or embellishment deposit or funds for commodities or services.

SEC. 3. Section 8739.1 of the Health and Safety Code is amended to read:

8739.1. Any cemetery established, on or after September 7, 1955, or excluded from the exemption provided in subdivision (c) of Section 8250 by virtue of paragraph (2) of such subdivision, shall be an endowment care cemetery.

CHAPTER 1270

An act to amend Section 33113 of, to repeal and add Sections 33112, 33114, and 33115 to, and to repeal Sections 33116 and 33117 of, the Agricultural Code, relating to milk inspection.

[Approved by Governor December 21, 1972. Filed with
Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 33112 of the Agricultural Code is repealed.

SEC. 2. Section 33112 is added to the Agricultural Code, to read:

33112. The director shall examine any interested person qualified under Section 33113 for certification as a registered dairy inspector. Such an examination shall be both written and oral. A certificate as a registered dairy inspector shall be issued to any person who passes the examination.

No person shall be eligible for the examination given under Section 33111 or any employment as a dairy inspector by an approved milk inspection service, unless he is certificated pursuant to the provisions of this section. Such certification shall be valid for four years after a person discontinues his employment as a registered dairy inspector or a registered sanitarian.

The director may adopt such regulations as are necessary to carry

out the provisions of this article.

SEC. 3. Section 33113 of the Agricultural Code is amended to read:

33113. A person is not eligible to take the examination unless he possesses one of the following qualifications:

(a) Graduation from a four-year college with specialization in studies which related to dairy farms, milk and milk products, or the food sciences.

(b) Graduation from a veterinary college of recognized standing at the time of graduation and at least one year of experience in the production, processing, or inspection of milk or milk products.

(c) At least three years of experience in this state with an approved milk inspection service, or with the Bureau of Dairy Service of the department, in inspection and enforcement work which pertains to dairy farms or milk and milk products.

(d) Employed as a registered sanitarian in the State of California for at least two years immediately prior to applying for the certification examination and possesses a bachelor's degree.

(e) Employed as a registered sanitarian in the State of California for the past 10 years, including two years immediately preceding enactment of this subdivision.

SEC. 4. Section 33114 of the Agricultural Code is repealed.

SEC. 5. Section 33114 is added to the Agricultural Code, to read:

33114. The director shall establish and collect fees for application and for examination for registered dairy inspector to cover the cost of carrying out the provisions of this article. The application fee shall not exceed ten dollars (\$10) and the examination fee shall not exceed thirty dollars (\$30). Any fees collected pursuant to this section shall be deposited in the Department of Agriculture Fund and be used in carrying out the provisions of this article.

SEC. 6. Section 33115 of the Agricultural Code is repealed.

SEC. 7. Section 33115 is added to the Agricultural Code, to read:

33115. Any person who is employed by the department or by an approved milk inspection service on the effective date of this section and who actively enforces the provisions of this division and the regulations adopted pursuant thereto may apply for registration as a dairy inspector without an examination within six months after the effective date of this section, on payment of the application fee.

SEC. 8. Section 33116 of the Agricultural Code is repealed.

SEC. 9. Section 33117 of the Agricultural Code is repealed.

CHAPTER 1271

An act to amend Sections 62707, 62707.5, and 62714 of the Agricultural Code, relating to milk.

[Approved by Governor December 21, 1972. Filed with
Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 62707 of the Agricultural Code is amended to read:

62707. The formulation committee shall make recommendations to the director for inclusion in the pooling plan, and the director shall include in the pooling plan, the following:

(a) The establishment of one or more pools throughout the state.

(b) The base period to be used in determining the production and class 1 usage bases of each producer directly affected by the pooling plan. Such base period shall, at the producers option, be his fluid milk production and usage in the pool area during the calendar year 1967 on an average daily basis or his production and usage in the pool area during the last six months of 1966 on an average daily basis.

As to a producer south and east of San Geronio Pass, his production base may at his option, be four times his production in the months of December, 1966, and January and February, 1967.

If a producer, during any such base period, had a valid contract with a distributor, or as a member of a cooperative association had an allocation, which provided that the distributor or cooperative association was required to accept a larger amount of fluid milk from such producer than the producer actually produced during such period, on proof satisfactory to the director of such contract or allocation, the producer may, at his option, have the amount specified in the contract or allocation established as his production base.

(c) The establishment of a class 1 usage for each producer, which shall be the amount of his production of fluid milk accounted for as class 1, and any fluid milk sold for use as class 1 to a United States military installation but which was not accounted for as class 1.

(d) The allocation to each producer within any pool of a pool quota, which, initially, shall be 110 percent of that producer's class 1 usage, as determined in subdivision (c) of this section.

(e) The determination of new class 1 usage and the allocation of pool quota based thereon in a manner consistent with effectuating the purposes of this chapter.

All producers who have not reached the equalization point shall share in such allocation of pool quota on the basis of a formula which shall give substantial weight to each producer's production base, but which at the same time shall allocate a larger percentage to hardship cases and low class 1 usage producers.

Such allocations shall be made on the basis of each individual producer, with each cooperative association considered as a single producer. The cooperative associations of producers shall reassign any new quota to their own members subject to the provisions of Section 62710.

No allocation shall be made to any producer for any new pool quota in excess of the equalization point as expressed in subdivision (c) of Section 62712.

Annually, within not more than four months after August 31 of each year, the pool quota shall be adjusted by each component to reflect any such additional pool quota. It is intended that such increase shall generally reflect the increased class 1 usage which developed during the preceding year, adjusted for the director's estimate of class 1 requirements for the succeeding year, allocated in the manner specified in the pool plan. There shall be no downward adjustment of pool quota below the quota initially established pursuant to this chapter.

(f) The establishment of production bases and pool quotas for new fluid milk producers who wish to enter the pooling plan after the effective date of the plan. The recommendations of the committee shall be reasonably equitable to both such new producers and to participating producers and consistent with effectuating the purposes of this chapter.

(g) The transfer of production bases and pool quotas from one fluid milk producer to another under conditions so designed as to prevent abuses in such transfers and to avoid the development of excessive values for such bases and quotas.

(h) Any and all other matters necessary and desirable to effectuate the provisions of this chapter.

The recommendations of the formulation committee and the pooling plan may provide exceptions from the plan's general application for individual cases of hardship.

SEC. 2. Section 62707.5 of the Agricultural Code is amended to read:

62707.5. If a portion of the pool quota of any producer is transferred, it shall carry with it the same quantity of production base, except that if the pool quota exceeds the production base, the pool quota shall carry with it a percentage of production base equal to the percentage of pool quota which is so transferred. In either case, the producer making a partial transfer of his pool quota shall lose a percentage of his production base equal to the percentage of his pool quota which is so transferred. If a producer transfers his entire production base to one person, his entire pool quota shall also be transferred to the recipient of the production base. If a producer transfers his entire pool quota, his entire production base shall also be transferred to the recipients of the pool quota in a percentage equal to the percentage of pool quota received by each.

All transfers of production base and pool quota shall be recorded by the director in a manner consistent with the purposes of this chapter. Permanent records shall be maintained by the director of all transactions in either production base or pool quota.

Any person who purchases or otherwise acquires a producer's business or a portion of a producer's business prior to the operative date of the pooling plan shall succeed to that same proportion of the producer's production base and pool quota.

SEC. 3. Section 62714 of the Agricultural Code is amended to read:

62714. After the director has established pools, each distributor shall report to the director the total receipts from the producers that are shipping to the distributor and the class 1, class 2, class 3, and class 4 usage of the distributor and any other information determined by the director as necessary to carry out the operation of the pool.

CHAPTER 1272

An act to add Sections 161, 906.5, and 1805.5 to the Streets and Highways Code, relating to highways.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 161 is added to the Streets and Highways Code, to read:

161. On construction under a contract advertised for bids after July 1, 1973, the department shall install on the surface of state highways upon which the operation of bicycles is permitted only those types of grates which are not hazardous to bicycle riders.

SEC. 2. Section 906.5 is added to the Streets and Highways Code, to read:

906.5. On construction under a contract advertised for bids after July 1, 1973, the board of supervisors shall install on the surface of county highways upon which the operation of bicycles is permitted only those types of grates which are not hazardous to bicycle riders.

SEC. 3. Section 1805.5 is added to the Streets and Highways Code, to read:

1805.5. On construction under a contract advertised for bids after July 1, 1973, the legislative body of a city shall install on the surfaces of city streets upon which the operation of bicycles is permitted only those types of grates which are not hazardous to bicycle riders.

CHAPTER 1273

An act to amend Sections 7057 and 8105 of, to add Section 11555 to, and to repeal Section 6405 of, the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 6405 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 7057 of the Revenue and Taxation Code is amended to read:

7057. Any officer or employee of the Board of Equalization authorized to accept an application for a seller's permit under Section 6066 of this code or authorized to register a retailer under Section 6226 of this code shall at the time of acceptance of such an application or such registration, ascertain whether or not the person is also required to register as an employer under Section 1086 of the Unemployment Insurance Code, and if so shall register the person as an employer on a form provided by the Department of Human Resources Development and shall promptly notify the Department of Human Resources Development of such registration.

SEC. 3. Section 8105 of the Revenue and Taxation Code is amended to read:

8105. All applications for refund under Section 8101 based upon exportation of motor vehicle fuel from this state shall be filed with the Controller within three months after the close of the calendar month in which the fuel is exported. The Controller for good cause may extend for not more than six months the time for which the claim for refund may be filed on account of the exportation, provided a request therefor is filed with the Controller within or prior to the period for which the extension may be granted. All other applications for refund provided under this article, except where an extension of time has been granted, shall be filed within 13 months from the date of the purchase of the motor vehicle fuel. Any application filed after the time prescribed shall not be considered for any purpose by the Controller, the State Treasurer, or the state.

SEC. 4. Section 11555 is added to the Revenue and Taxation Code, to read:

11555. Interest shall be paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the overpayment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

CHAPTER 1274

An act to amend Sections 4908 and 4920 of, and to add Sections 4922.5 and 4925 to, the Public Utilities Code, relating to travel promoters.

[Approved by Governor December 21, 1972. Filed with
Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 4908 of the Public Utilities Code is amended to read:

4908. "Adequate bond" means a corporate bond of an amount at least equal to the amount required under the contract between the travel promoter and the transportation carrier or company or person providing any other services in conjunction with such transportation. The aggregate liability of the surety on such bond shall, in no event, exceed the amount of such bond.

SEC. 2. Section 4920 of the Public Utilities Code is amended to read:

4920. Ninety percent of all sums received by a travel promoter for air or sea transportation or any other services offered by the travel promoter in conjunction with such transportation shall be held in trust until the air carrier, company operating a seagoing vessel, or person providing such other services receives all the sums required by the air carrier, steamship company operating an oceangoing vessel, or person providing such other services to complete the air or ocean transportation or provide such other services. Partial sums paid to the air carrier, to the company operating the oceangoing vessel, or to the person providing such other services shall not be considered as violation of the trust.

In lieu of said trust, an adequate bond may be maintained by the travel arranger or promoter.

SEC. 3. Section 4922.5 is added to the Public Utilities Code, to read:

4922.5. A travel promoter shall, prior to offering or advertising any air or sea transportation, either alone or in conjunction with any other services, and in no event less than 60 days prior to the proposed date of departure, file with the Department of Consumer Affairs in a manner specified by that department all of the following:

- (a) The name and address of the travel promoter.
- (b) The location of the trust or name of the bonding company.
- (c) The name and address of the air carrier or company operating an oceangoing vessel with whom the travel promoter has contracted.
- (d) Such other information as the Department of Consumer Affairs may require.

An annual fee in an amount fixed by the Department of Consumer Affairs sufficient to cover the costs of administration of this section shall be paid by the travel promoter to the Department of Consumer Affairs at the time of the first filing in every year. A new filing shall be made whenever there is any change in the information required by subdivisions (a) to (d), inclusive.

SEC. 4. Section 4925 is added to the Public Utilities Code, to read:

4925. This chapter shall not apply to a travel promoter which is a corporation having a net worth of at least one million dollars (\$1,000,000) or a wholly owned subsidiary of such corporation and files with the Department of Consumer Affairs each year within 120 days after the close of its fiscal year a certificate signed by an independent certified public accountant that such corporation has at such time a net worth of at least one million dollars (\$1,000,000).

CHAPTER 1275

An act to repeal and add Chapter 6 (commencing with Section 14901) to Division 7 of the Agricultural Code, relating to commercial feed, declaring the urgency thereof, to take effect immediately, and making an appropriation therefor.

[Approved by Governor December 21, 1972 Filed with
Secretary of State December 21, 1972]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 14901) of Division 7 of the Agricultural Code is repealed.

SEC. 2. Chapter 6 (commencing with Section 14901) is added to Division 7 of the Agricultural Code, to read:

CHAPTER 6. COMMERCIAL FEED

Article 1. General Provisions

14901. The Legislature hereby declares that it is the intent of this chapter to do all of the following:

(a) Enable the feed and feeding industry, with the aid of the state, to ensure in every way possible a clean and wholesome supply of meat, milk, and eggs for the benefit of the consumer.

(b) Provide assurance to the consumer-buyer of commercial feed that the product he purchases is properly identified and of the quality and quantity represented by the manufacturer of the commercial feed.

(c) Provide funds for the administration and enforcement of this chapter by an inspection tonnage tax on commercial feed to be paid by any person that distributes commercial feed to a consumer-buyer in this state.

14902. The director shall enforce this chapter and adopt and enforce such regulations relating to the manufacture and distribution of, and to the manner of making inspection tonnage tax payments upon, commercial feed as he determines necessary to carry into effect the provisions of this chapter.

14903. The director shall establish, by regulation, such good manufacturing practices as he determines are reasonably necessary to carry out the purposes of this chapter. The good manufacturing practices regulations for additives, including medicated feed premixes and medicated feeds shall be based upon those established pursuant to the federal food and drug laws and regulations, unless the director determines that such laws and regulations are not

appropriate to the conditions which exist in this state. The regulations adopted pursuant to this section shall assure that drug usage under this chapter shall not conflict with the provisions of Chapter 4 (commencing with Section 14201) of this division.

Article 2. Definitions

14921. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

14923. "Animal" means any animal, including birds, except a human being.

14924. "Board" means the Feed Inspection Advisory Board.

14925. "Commercial feed" includes all materials which are intended for use as feed or for mixing in feed except preparations which are manufactured and distributed for feeding to domestic pets, such as dogs, cats, and birds.

14926. "Consumer-buyer" means any person who purchases commercial feed from a manufacturer or distributor of such feed for use in feeding animals.

14927. "Distribute" means to offer for sale, sell, exchange or barter.

14928. "Drug" means any substance which is intended, or represented, for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease in any animal, and any other substance, except feed, which is intended to affect the structure or any function of the body of any animal.

14929. "Feed ingredient" means each of the constituent substances making up a formula feed.

14930. "Formula feed" means two or more feed ingredients, proportioned, mixed, and processed according to specifications.

14931. "Label" means a display of written, printed, or graphic matter upon, or affixed to, the container in which a commercial feed is distributed, or on the invoice or delivery slip which accompanies a commercial feed.

14932. "Licensee" means a person that has obtained a license pursuant to the provisions of this chapter.

14933. "Manufacture" means to grind, mix, or further process a commercial feed.

14934. "Medicated feeds" means commercial feeds that contain drugs.

14935. "Medicated feed premixes" means a concentrated combination of one or more substances, at least one of which is a drug, which must be diluted through manufacturing into a medicated feed.

14936. "Percent or percentages" means percentages by weight.

14937. "Person" means any individual, corporation, partnership, trust, association, cooperative association, or any other business unit or organization.

14938. "Special mix" means any commercial feed which is

manufactured, processed, or mixed pursuant to specifications which are agreed upon by the purchaser and the manufacturer.

14939. "Ton" means a net weight of 2,000 pounds avoirdupois.

Article 3. Funds

14961. All money which is received by the director pursuant to this chapter shall be deposited in the Department of Agriculture Fund and shall be expended solely for the administration and enforcement of this chapter.

14962. The director shall prepare an annual statement of the operating expenditures and income related to this chapter which shall be presented to the board for review as soon as possible following the termination of the fiscal year. A copy of this statement will be made available to any interested person upon request.

14963. If this chapter is repealed, any funds received by the director pursuant to this chapter remaining after all expenses are paid, shall be rebated by the director in a manner prescribed by the board proportionately to the amount paid by those persons that made such payments.

Article 4. Feed Inspection Advisory Board

14971. There is in the department a Feed Inspection Advisory Board consisting of five persons appointed by the director who are licensed under this chapter and who are subject to payment of the inspection tonnage tax in accordance with the provisions of this chapter. The members of the board shall receive no salary, but are entitled to payment of necessary traveling expenses in accordance with State Board of Control rules. Such expenses shall be paid out of appropriations made to the department.

14972. The term of office of the members of the board is three years. When the board is first appointed, two members shall be appointed for three years, two members for two years, and one member of one year. Thereafter appointment shall be for full three-year terms. Vacancies shall be filled for an unexpired term.

14973. The director shall appoint an alternate for each board member. The alternate shall be selected from the same geographical location and be of the same functional category represented by the member for whom the alternate is designated to serve.

14974. Alternate members shall serve at board meetings only in the absence of the member for whom they are designated as alternate and shall have the prerogative to exercise the full rights and privileges of the regular members.

14975. The board shall be advisory to the director and may make recommendations on all matters pertaining to this chapter including but not limited to the inspection and enforcement program, annual budget, necessary fees to provide adequate inspection services, and regulations required to accomplish the purposes of this chapter.

14976. The board shall elect a chairman, and from time to time such other officers as it may deem advisable.

14977. The board shall meet at the call of its chairman or the director or at the request of any three members of the board. The board shall meet at least once a year.

Article 5. Labels

14991. Except as otherwise provided in this chapter or by regulations of the director which declare that the statement required pursuant to this article is not applicable to certain products to carry out the provisions of this chapter, every lot or parcel of commercial feed distributed within this state shall have affixed to it, or be accompanied by, a label.

14992. The label shall contain a legible and plainly printed statement which certifies all of the following:

(a) The net weight of the contents of the lot or parcel unless accompanied by a certified certificate of weights and measures.

(b) The product name, brand name, or trademark.

(c) The name and principal address of the manufacturer or person that is responsible for placing the commodity on the market.

(d) The guaranteed analysis stated in such terms as the director specifies by regulation.

(e) The recognized official name, as specified by the director, of each ingredient. The director may by regulation permit the use of a collective term for a group of ingredients which performs a similar function. The director may exempt a commercial feed, or any combination of commercial feeds from labeling requirements if he finds the listing is not necessary to comply with the intent of this chapter.

(f) Adequate directions, warnings and caution statements that may be necessary for the safe use of any feed.

14993. Any person that manufactures, processes, or mixes any special mix for another person, shall label it in accordance with regulations as specified by the director.

14994. A special mix shall not be resold unless relabeled.

14995. If a manufacturer or processor of any commercial feed makes a claim or guarantee relative to the content of the commercial feed on, or with, the package which contains it, and the claim or guarantee is in addition to those required by law, he is responsible for maintaining the claim or guarantee, and may be required to submit to the director information and records pertinent to the claim or guarantee.

14996. Commercial feed manufactured or distributed for feeding to animals on a contract or partnership basis is exempt from the labeling provisions of this chapter unless such label information is requested by a party to the contract or partnership or such commercial feed contains a drug.

Article 6. Standards and Tolerances

15011. The director shall fix the standards for commercial feed ingredients, including drugs, tolerances for agricultural chemicals, and any additives used in the manufacture of such feed, so as to insure the safety of animals and the products of animals which are used for human consumption. The director shall enforce all medicated feed withdrawal periods as set by regulations.

Article 7. Inspection and Analysis

15021. The director, his agents, and his inspectors shall have free access at reasonable times to all premises or conveyances which are used in the manufacture, transportation, importation, distribution, storage, or feeding of any commercial feed. They shall have access to any lot or package which contains or is supposed to contain, any commercial feed, and take samples and analyze them.

Article 8. Mislabeling

15031. A commercial feed is mislabeled in each of the following cases:

- (a) Its labeling is false or misleading in any particular.
- (b) It is not labeled as required by this chapter.
- (c) Any word, statement, or other information required pursuant to this chapter to appear on the label is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling and in such terms as to render it likely to be read and understood under customary conditions of purchase and use.

Article 9. Adulteration

15041. A commercial feed is adulterated in the following cases:

- (a) It bears or contains any poisonous, deleterious, or nonnutritive substance in amounts which are specified as being unsafe by the director by regulations.
- (b) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.
- (c) Its composition differs from, or quality falls below, that which it is purported or is represented to possess by its labeling.
- (d) It contains a drug or drugs or other additive and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations adopted by the director to assure that the drug or drugs or other additive meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess.

Article 10. Licenses

15051. Each person shall obtain a license from the director for each plant which he will operate that authorizes him to manufacture or distribute commercial feed before he engages in such activity, except the following:

(a) A person that makes only retail sales of commercial feed which bear the tag or other approved indication that the commercial feed is from a licensed manufacturer or guarantor who has assumed full tax responsibility for the tonnage tax due under this chapter.

(b) A person who manufactures commercial feed exclusively for feeding to his own animals.

15052. A person is not entitled to a license unless he has a permanent place of business.

15053. Each application for a license shall be accompanied by a fee of twenty-five dollars (\$25) for each plant for each fiscal year or portion of a fiscal year beginning July 1st.

15054. Each license shall be renewed annually. Each application for renewal shall be accompanied by a fee of twenty-five dollars (\$25) for each plant operated.

15055. If a license is not renewed within one calendar month after the beginning of the fiscal year, a penalty of ten dollars (\$10) shall be added to the fee.

Article 11. Inspection Tonnage Tax

15061. An inspection tonnage tax at the maximum rate of four cents (\$.04) per ton of commercial feed sold, except whole grains, whole seeds, and whole hay when unmixed, shall be paid to the director by any person who distributes commercial feed to a consumer-buyer in this state. The tax rate established by this section is the maximum tax rate. The director may reduce this rate from time to time whenever he finds that the administration of this chapter may be accomplished from revenue derived from a lower tonnage tax rate.

15062. Every person subject to payment of the inspection tonnage tax shall make reports and payments in the manner prescribed by the director by regulation.

Article 12. Violations

15071. (a) Any violation of any provision of this chapter, or the regulations adopted pursuant to it, is a misdemeanor which is punishable by a fine of not more than two hundred fifty dollars (\$250) for the first violation and not less than five hundred dollars (\$500) for each subsequent violation.

(b) The director may, after hearing, refuse to issue or renew, or

may suspend or revoke a license for any violation of this chapter or any regulation which is adopted pursuant thereto. Proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2, of the Government Code. After the loss of a license, the person so deprived has the right to appeal this action to the director.

15072. It is unlawful for any person to manufacture or distribute in this state any commercial feed without complying with the provisions of this chapter and the regulations which are adopted pursuant to it.

15073. The director may seize and hold any lot of commercial feed which he has reasonable cause to believe is in violation of the provisions of this chapter or the regulations adopted pursuant to it.

15074. If the director seizes any lot of commercial feed, he shall immediately issue to the person that has control of such feed a hold order or notice. He may affix to the lot or package of such feed a warning tag which states that the lot is so held.

15075. Any lot of commercial feed for which a hold order or notice is issued shall be held by the person having control of such feed and shall not be disturbed or moved except under the specific directions of the director, pending final disposition pursuant to this chapter. This does not prevent the person having control of the feed from inspecting any feed so seized, nor from taking therefrom, in the presence of a person designated by the director, a reasonable sample for evidence.

15076. Any lot of commercial feed which is seized and held pursuant to this chapter, unless previously analyzed by the director, shall be sampled and promptly analyzed within a reasonable period of time, as set by the director by regulation, after the seizure for the purpose of determining if such commercial feed is, in fact, in violation of the provisions of this chapter or the regulations adopted pursuant to it. The person having control of the feed shall be immediately notified by the director as to whether or not the sample was found to be in violation. If the results of analysis are not made known to the person having control of the feed within the period of time specified by the director by regulation, the lot of commercial feed being held shall be immediately released and the hold order or tag removed.

15077. Upon demand of the person having control of the seized feed at or prior to the time of the sampling by the director, the sample which is drawn shall be divided into two approximately equal parts, one part of which shall be sealed and left with the person in control of the feed and one part taken for analysis by the director.

15078. If the seized and held lot, as determined by the director's analysis, is not in violation, the director shall immediately release the seized and held lot and remove the hold order or tag.

15079. If the seized and held lot is found to be in violation, the director shall either:

- (a) Continue to hold the lot until such time as the requirements

of this chapter have been complied with, at which time the lot shall be released.

(b) Issue orders for the disposal of the lot in a manner specified by the director.

15080. The person having control of a seized or held lot found to be in violation may appeal the result of analysis to the director in writing within five days of receiving the notice of violation. Upon receipt of such appeal, the director shall take a further sample of the lot in question for analysis. The cost of sampling and analysis shall be at the expense of the person that requests the appeal sample. The findings from the appeal analysis are conclusive.

Article 13. Procedure for Prosecution

15091. In addition to the remedies provided in this chapter, the department may bring an action in superior court and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this chapter or the rules and regulations promulgated under this chapter. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The department shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss. The court may require such acts or course of conduct as necessary to effectuate the purpose of this chapter.

15092. Nothing in this chapter requires the director to report for prosecution or to institute injunction proceedings for any minor violation of this chapter whenever he believes that the public interest shall be adequately served by a suitable written notice of warning, and compliance with such notice.

SEC. 3. This act shall become operative on January 1, 1973.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential to the commercial feed industry and the public that the provisions of this act and the regulations adopted pursuant thereto become operative on January 1, 1973. In order to assure that this act becomes operative on such date, it is necessary that it go into immediate effect.

CHAPTER 1276

An act to add Section 14783.1 to, and to repeal Section 14783.1 of, the Government Code, relating to state purchases.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 14783.1 is added to the Government Code, to read:

14783.1. State agencies, with the approval of the Department of General Services, may use credit cards for purchases of fifty dollars (\$50) or less and pay the finance charges in connection with such use, for purchases, for obtaining services, and for hiring equipment.

SEC. 2. The Department of General Services shall report to the Legislature by the fifth calendar day of the 1974 and 1975 Regular Sessions of the Legislature on the costs and savings which have occurred as a result of the addition of Section 14783.1 to the Government Code by this act.

SEC. 3. This act shall be operative until December 31, 1974, and thereafter is repealed and shall have no force or effect.

CHAPTER 1277

An act to amend Section 20206 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 20206 of the Government Code is amended to read:

20206. The board shall employ investment counsel on its staff or on a consulting basis or trust companies or trust departments of banks to render service in connection with the board's investment program.

Commencing with July 1, 1974, whenever the board elects to contract with outside firms for investment counseling services it shall obtain proposals from all interested firms and conduct a public meeting at which a consultant or consultants shall be selected by the board. At least once in each three-year period after the prior selection, a consultant or consultants shall be obtained by the same procedure upon submission of new proposals.

The board shall submit annually to the Joint Legislative Retirement Committee sufficiently detailed investment performance reports.

CHAPTER 1278

An act to amend Sections 3059 and 3075 of the Business and Professions Code, relating to optometry.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 3059 of the Business and Professions Code is amended to read:

3059. On and after July 1, 1974, if the board determines that the public health and safety would be served by requiring all holders of licenses to practice optometry granted under the provisions of this chapter to continue their education after receiving such license, it may require, as a condition to the renewal thereof, that they submit proof satisfactory to the board that they have, during the preceding year, informed themselves of the developments in the practice of optometry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

SEC. 2. Section 3075 of the Business and Professions Code is amended to read:

3075. (a) Each holder of a certificate of registration or a certification of issuance of his certificate of registration shall keep it conspicuously posted in his office or place of practice at all times.

(b) The board may, by rule or regulation, provide that, when the holder of a certificate of registration has more than one office or place of practice or is employed to practice optometry in more than one office or place of practice and it is infeasible to have his certificate of registration or a certification of issuance of his certificate of registration posted in more than one of such offices or places of practice, he shall have such other evidence as may be prescribed by the board that he is licensed to practice optometry in California conspicuously posted in each of such additional offices or places of practice which he has or where he is employed to practice optometry. When the board is requested by a holder of a certificate of registration or certification of issuance of his certificate of registration to issue such other evidence that he is licensed to practice optometry, the board may charge a fee not to exceed ten dollars (\$10) for each issuance of such other evidence.

CHAPTER 1279

An act to add Sections 11116.7, 11116.8, and 11116.9 to the Penal Code, relating to accusatory pleadings.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 11116.7 is added to the Penal Code, to read:
 11116.7. Whenever an accusatory pleading is filed in any court of this state alleging a public offense for which a defendant may be punished by incarceration, for a period in excess of 90 days, the court shall furnish upon request of the defendant named therein a certificate of disposition which describes the disposition of the accusatory pleading in that court when such disposition is one described in Section 11115. The certificate of disposition shall be signed by the judge, shall substantially conform with the requirements of Section 11116.8, and the seal of the court shall be affixed thereto.

In the event that the initial disposition of the accusatory pleading is changed, a new disposition certificate showing the changed disposition shall be issued by the court changing the same upon request of the defendant or his counsel of record.

SEC. 2. Section 11116.8 is added to the Penal Code, to read:

11116.8. The certificate of disposition provided by Section 11116.7 shall describe the charge or charges set forth in the original and any amended accusatory pleading, together with the disposition of each charge in the original and any amended accusatory pleading by stating one or more of the disposition labels, as appropriate, set forth in Section 11116.

SEC. 3. Section 11116.9 is added to the Penal Code, to read:

11116.9. The clerk of the court in which the disposition is made shall provide the defendant or his counsel of record with additional certified copies of the disposition certificate upon the payment of the fees provided by law for certified copies of court records.

 CHAPTER 1280

An act to amend Section 23320 of, and to add Section 23399.3 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

- (1) Beer manufacturer's license
 - (a) Steam beer manufacturer exclusively..... \$56.00 per year
 - (b) All other beer manufacturer 828.00 per year
- (2) Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), 5,000 gallons or less 22.00 per year
 - Over 5,000 gallons to 20,000 gallons per year 44.00 per year
 - Over 20,000 to 100,000 gallons per year 82.50 per year
 - Over 100,000 to 200,000 gallons per year 110.00 per year
 - Over 200,000 gallons to 1,000,000 gallons per year 165.00 per year
 - For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional 110.00 per year
- (3) Brandy manufacturer's license 168.00 per year
- (4) Distilled spirits manufacturer's license .. 276.00 per year
- (5) Distilled spirits manufacturer's agent's license 276.00 per year
- (6) Still license 12.00 per year
- (7) Rectifier's license 276.00 per year
- (7a) Distilled spirits rectifier's general license 276.00 per year
- (8) Wine rectifier's license 276.00 per year
- (9) Beer and wine importer's license No fee
- (10) Beer and wine importer's general license 56.00 per year
- (11) Brandy importer's license No fee
- (12) Distilled spirits importer's license No fee
- (13) Distilled spirits importer's general license 276.00 per year
- (14) Public warehouse license 12.00 per year
- (15) Customs broker's license..... 12.00 per year
- (16) Wine broker's license..... 56.00 per year
- (17) Beer and wine wholesaler's license 56.00 per year
- (18) Distilled spirits wholesaler's license 276.00 per year
- (18a) California brandy wholesaler's license .. 276.00 per year
- (19) Industrial alcohol dealer's license 56.00 per year
- (20) Retail package off-sale beer and wine license 24.00 per year
- (21) Retail package off-sale general license .. 350.00 per year
- (22) On-sale beer license 168.00 per year

(23)	On-sale beer and wine license	168.00 per year
(24)	On-sale beer and wine license for trains (per train)	16.00 per year
(25)	On-sale beer license for fishing party boats (per boat)	32.00 per year
(26)	On-sale beer and wine license for boats (per boat)	56.00 per year
(27)	On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(28)	On-sale general license: In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(29)	On-sale general license for seasonal business: In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
	In all other localities	90.00 per quarter year
(30)	(a) On-sale general license for bona fide clubs, (b) Club license (issued under Article 4 of this chapter), or (c) Veterans' club license (issued under Article 5 (commencing with Section 23450) of this chapter): In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies.....	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes..... Duplicate on-sale general license for air common carriers.....	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year
(35)	On-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement	360.00 per year

- (36) On-sale special beer and wine license for hospitals, convalescent homes, and rest homes 56.00 per year

SEC. 1.5. Section 23320 of the Business and Professions Code, as amended by Assembly Bill No. 132, is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

- (1) Beer manufacturer's license
 - (a) Steam beer manufacturer exclusively \$56.00 per year
 - (b) All other beer manufacturer 828.00 per year
- (2) Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), 5,000 gallons or less 22.00 per year
 - Over 5,000 gallons to 20,000 gallons per year 44.00 per year
 - Over 20,000 to 100,000 gallons per year 82.50 per year
 - Over 100,000 to 200,000 gallons per year 110.00 per year
 - Over 200,000 gallons to 1,000,000 gallons per year 165.00 per year
 - For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional 110.00 per year
- (3) Brandy manufacturer's license 168.00 per year
- (4) Distilled spirits manufacturer's license .. 276.00 per year
- (5) Distilled spirits manufacturer's agent's license 276.00 per year
- (6) Still license 12.00 per year
- (7) Rectifier's license 276.00 per year
- (7a) Distilled spirits rectifier's general license 276.00 per year
- (8) Wine rectifier's license 276.00 per year
- (9) Beer and wine importer's license No fee
- (10) Beer and wine importer's general license 56.00 per year
- (11) Brandy importer's license No fee
- (12) Distilled spirits importer's license No fee
- (13) Distilled spirits importer's general license 276.00 per year
- (14) Public warehouse license 12.00 per year
- (15) Customs broker's license 12.00 per year
- (16) Wine broker's license 56.00 per year
- (17) Beer and wine wholesaler's license 56.00 per year
- (18) Distilled spirits wholesaler's license 276.00 per year
- (18a) California brandy wholesaler's license .. 276.00 per year
- (19) Industrial alcohol dealer's license 56.00 per year
- (20) Retail package off-sale beer and wine license 24.00 per year

(21)	Retail package off-sale general license ..	350.00 per year
(22)	On-sale beer license	168.00 per year
(23)	On-sale beer and wine license	168.00 per year
(24)	On-sale beer and wine license for trains (per train)	16.00 per year
(25)	On-sale beer license for fishing party boats (per boat)	32.00 per year
(26)	On-sale beer and wine license for boats (per boat)	56.00 per year
(27)	On-sale beer and wine license for airplanes (per scheduled flight)....	16.00 per year
(28)	On-sale general license: In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(29)	On-sale general license for seasonal business: In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
	In all other localities	90.00 per quarter year
(30)	(a) On-sale general license for bona fide clubs, (b) Club license (issued under Article 4 of this chapter), or (c) Veterans' club license (issued under Article 5 (commencing with Section 23450) of this chapter): In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies.....	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes.....	332.00 per year
	Duplicate on-sale general license for air common carriers.....	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year
(35)	On-sale general bona fide public eating	

place intermittent dockside license for vessels of more than 10,000 tons displacement	360.00 per year
(36) On-sale special beer and wine license for hospitals, convalescent homes, and rest homes	56.00 per year

SEC. 2. Section 23399.3 is added to the Business and Professions Code, to read:

23399.3. An on-sale special beer and wine license for hospitals, convalescent homes, and rest homes, authorizes the sale or service of beer and wine purchased from a licensed winegrower or beer and wine wholesaler only to patients or residents of the licensed hospital, convalescent home, or rest home. Such a license shall not be transferable from person to person and no off-sale privileges shall be exercised under such a license. Nothing in this section shall be construed to require a license for the service of beer and wine purchased at retail.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 132 are both chaptered and amend Section 23320 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 132, that Section 23320 of the Business and Professions Code, as amended by Section 1 of Assembly Bill No. 132, be further amended on the effective date of this act in the form set forth in Section 1.5 of this act to incorporate the changes in Section 23320 proposed by this bill. Therefore, Section 1.5 of this act shall become operative only if Assembly Bill No. 132 is chaptered before this bill and amends Section 23320, and in such case Section 1.5 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative.

CHAPTER 1281

An act to add Section 10501 to the Unemployment Insurance Code, relating to job training.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 10501 is added to the Unemployment Insurance Code, to read:

10501. Any public assistance recipient who successfully completes a job training program approved under this part shall be exempted from the payment of those fees normally associated with any examination or certification required by state law if the employment opportunity is for the job for which the recipient was trained.

CHAPTER 1282

An act to amend Sections 7514, 7523, and 7580 of, and to add Section 7550.5 to, the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 7514 of the Business and Professions Code is amended to read:

7514. The director may adopt and enforce reasonable rules:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including but not limited to private investigators, private patrol operators, insurance adjusters, and repossessioners, and limiting the field and scope of the operations of a licensee to those in which he is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) For a change in the classification of a licensee, or in the type of business organization upon application therefor by a licensee, and to prescribe the fee, if any, to be paid.

(e) Establishing the qualifications which a uniformed employee of a licensee who operates a private patrol must meet as a condition of becoming eligible to carry firearms pursuant to Section 12031.5 of the Penal Code.

(f) Requiring each uniformed employee of a private patrol operator, as defined in this chapter, to be registered with the bureau upon application on a form prescribed by the director accompanied by the registration fee and by two classifiable sets of fingerprints of the applicant; establishing the term of the registration for a period of not less than two nor more than four years; and providing for the renewal thereof upon proper application and payment of the renewal fee. The director may, after opportunity for hearing, refuse such registration to any person who lacks good moral character, and may impose such reasonable additional requirements as are necessary to meet local needs and are not inconsistent with the provisions of this chapter.

(g) Establishing procedures whereby the local authorities of any city, county, or city and county may file charges with the director alleging that any uniformed employee of a private patrol operator who has registered, or is an applicant for registration, with the bureau fails to meet standards for registration, and providing further for the investigation of such charges.

(h) Requiring private patrol operators to maintain detailed records identifying all firearms in their possession or under their control, and the employees or persons authorized to carry or have access to such firearms.

SEC. 2. Section 7523 of the Business and Professions Code is amended to read:

7523. (a) The provisions of this chapter shall not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of such city, county, or city and county from imposing local regulations upon any street patrol special officer or upon any person who furnishes street patrol service or street patrol special officers requiring registration with an agency to be designated by the city, county, or city and county, including in such registration full information as to the identification and employment and subject to the right of the city, county, or city and county to allocate certain portions of the territory in such city, county, or city and county within which the activities of any such street patrol service or person shall be confined. Any city, county, or city and county may refuse such registration to any person of bad moral character and may impose such reasonable additional requirements as are necessary to meet local needs and are not inconsistent with the provisions of this chapter.

(b) The provisions of this chapter shall not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of such city, county, or city and county from imposing local regulations upon any employees of a private patrol operator who are unable to furnish evidence of current registration pursuant to subdivision (f) of Section 7514.

SEC. 3. Section 7550.5 is added to the Business and Professions Code, to read:

7550.5. A person registered under the provisions of subdivision (f) of Section 7514 shall be deemed to be a licensee for the purposes of this article.

SEC. 4. Section 7580 of the Business and Professions Code is amended to read:

7580. The amount of fees prescribed by this chapter, unless otherwise fixed, is that fixed in the following schedule:

(a) The application fee for an original license in any classification is twenty-five dollars (\$25).

(b) The application fee for an original branch office certificate is fifteen dollars (\$15).

(c) The fee for an original license is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The director may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before

the date on which it will expire.

(d) The renewal fee shall be fixed by the director as follows:

(1) For a license as an insurance adjuster, reposessor, private investigator, or private investigator and private patrol operator, not more than one hundred dollars (\$100).

(2) For a license as a private patrol operator, not more than fifty dollars (\$50).

(3) For a branch office certificate, not more than twenty dollars (\$20).

(e) The application and license fee for classifications prescribed by the director, in addition to those provided for in this chapter, and the application and license fees for a change in the type of business organization of a licensee, shall be in the amount prescribed by rule and regulation of the director.

(f) The delinquency fee is an amount equal to 25 percent of the renewal fee in effect on the date of expiration.

(g) The fee for reexamination of an applicant or his manager is ten dollars (\$10).

(h) Fees to carry out the provisions of subdivisions (e) and (f) of Section 7514 shall be fixed by the director as follows:

(1) A registration fee of not more than ten dollars (\$10).

(2) A registration renewal fee of not more than five dollars (\$5).

(3) A firearms qualification fee of not more than five dollars (\$5).

CHAPTER 1283

An act to amend Section 29242 of, and to add Article 11 (commencing with Section 29301) and Article 12 (commencing with Section 29321) to Chapter 1 of Division 13 of, the Agricultural Code, relating to bees.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 29242 of the Agricultural Code is amended to read:

29242. Every person that moves bees into the state or that otherwise comes into possession of an apiary which is located within the state after the first day of November shall register the number of colonies moved into the state or so acquired within 30 days after coming into possession of the apiary.

SEC. 2. Article 11 (commencing with Section 29301) is added to Chapter 1 of Division 13 of the Agricultural Code, to read:

Article 11. Apiary Assessments

29301. Each beekeeper, apiary owner, apiary operator, or the person in possession of any apiary shall pay to the director an annual assessment fee as determined by the director to be necessary to carry out the provisions of this article. However, such fee shall only be paid once each year by any of such persons, and it shall not exceed the following schedule:

(a) For nine or less colonies there shall be no fee.

(b) For 10 to 49, inclusive, colonies the fee shall be seven dollars and fifty cents (\$7.50).

(c) For 50 to 299, inclusive, colonies the fee shall be fifteen dollars (\$15).

(d) For 300 to 999, inclusive, colonies the fee shall be thirty dollars (\$30).

(e) For 1,000 to 2,499, inclusive, colonies the fee shall be sixty dollars (\$60).

(f) For 2,500 to 4,999, inclusive, colonies the fee shall be ninety dollars (\$90).

(g) For 5,000 to 7,499, inclusive, colonies the fee shall be one hundred twenty dollars (\$120).

(h) For 7,500 or more colonies the fee shall be one hundred fifty dollars (\$150).

29302. The assessment fees shall be payable to the director on July 1st of each year. The director shall send a written notice of the nonpayment of the required assessment fee to any person who fails to pay the assessment fee on such date. If the total amount of the assessment fee is not paid within 31 days after receipt of such written notice from the director, the person shall be required to pay, in addition to his regular fee, a penalty fee equal to one-half the amount of the assessment fee prescribed pursuant to Section 29301.

29303. Any funds collected by the director pursuant to this article shall be deposited into the State Treasury and credited to the Department of Agriculture Fund to be used for bee disease control, including research programs, and to carry out the provisions of Article 12 (commencing with Section 29321) of this chapter.

SEC. 3. Article 12 (commencing with Section 29321) is added to Chapter 1 of Division 13 of the Agricultural Code, to read:

Article 12. Apiary Board

29321. As used in this article, "board" means the Apiary Board.

29322. There is in the department the Apiary Board, consisting of five members appointed by the director. The members of the board shall be beekeepers representing the major geographical divisions of the beekeeping industry.

29323. In making his selection of the membership of the board, the director shall take into consideration the recommendations of the beekeeping industry.

29324. The term of office of the members of the board is four years. Appointment of the first members of the board shall be so made that the term of one such member shall expire at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years. Thereafter appointments shall be for full four-year terms. No person shall serve two successive terms as a member of the board.

29325. The director may appoint a department representative as the secretary to the board.

29326. The board shall be advisory to the director on all matters relating to the beekeeping industry and may make recommendations on all matters affecting the activities of the department in relation to the beekeeping industry.

29327. The board shall meet at the call of the director or at the request of any three members of the board. It shall meet at least once each year.

29328. Each member of the board shall serve without compensation, but each such member shall be reimbursed for the actual and necessary expenses, including travel expenses, incurred in attending meetings of the board and any other official duty authorized by the board and approved by the director. Such reimbursements shall be made in accordance with the rules of the State Board of Control.

CHAPTER 1284

An act relating to the repair, restoration, or replacement of public property damaged or destroyed by a natural disaster and to amend Section 5 of Chapter 74 of the Statutes of 1972, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 21, 1972. Filed with Secretary of State December 21, 1972.]

The people of the State of California do enact as follows:

SECTION 1. "Natural disaster" as used in this act means a flood, storm, tidal wave, earthquake, or other similar public calamity resulting from natural causes.

SEC. 2. "Unusual circumstances" as used in this act, are unavoidable delays which result from the recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of an applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

SEC. 3. The unexpended balance of the appropriation made by Section 1 of Chapter 52 of the Statutes of 1969 shall be available for

expenditure by the Department of Finance for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges damaged by a natural disaster which occurred between September 1, 1972, and June 30, 1973, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the Department of Finance for an allocation of funds within 60 days after the disaster has occurred, or within 60 days of the effective date of this act, whichever is the longer period.

SEC. 4. The funds made available by Section 3 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 5. Allocations of funds under Section 3 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby except as necessary to meet present-day standards.

SEC. 6. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to Section 3 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds available pursuant to Section 3 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two hundred thousand dollars (\$200,000).

SEC. 7. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between September 1, 1972, and June 30, 1973, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency

Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 60 days after the disaster has occurred, or within 60 days of the effective date of this act, whichever is the longer period.

SEC. 8. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 7 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that if the local agency is a county, the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1969-70 fiscal year pursuant to Section 2110.5 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 9. The unexpended balance of the money transferred to the Street and Highway Disaster Fund pursuant to subdivision (a) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between September 1, 1972, and June 30, 1973, declared by the governing body of the local agency affected, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 60 days after the disaster has occurred, or within 60 days of the effective date of this act, whichever is the longer period, unless the Director of the Office of Emergency Services extends this period because of unusual circumstances.

SEC. 10. The unexpended balance of the money transferred to the State Highway Fund pursuant to subdivision (b) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by a natural disaster occurring between September 1, 1972, and June 30, 1973, to present-day standards and to accommodate present traffic.

SEC. 11. All moneys which are made available by the various provisions of this act for expenditure or allocation for the repair, restoration, or replacement of public real property damaged or destroyed by a natural disaster are hereby appropriated for expenditure, without regard to fiscal years, for the particular purposes specified by the respective provisions.

SEC. 12. No financial aid shall be provided under any of the provisions of this act until a state agency, upon the request of the Director of the Department of Finance, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report thereon with the Director of the Department of Finance within 60 days from the date the local agency makes application, unless the Director of Finance extends this period because of unusual circumstances.

SEC. 13. On the effective date of this act, the Director of the Office of Emergency Services shall notify each local agency of the enactment of this act and the application thereof to the local agency.

SEC. 14. Section 5 of Chapter 74 of the Statutes of 1972 is amended to read:

Sec. 5. Allocations of funds under Section 3 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby except as necessary to meet present-day standards.

SEC. 15. The sum of two million dollars (\$2,000,000) of the cash balance of the Street and Highway Disaster Fund under subdivision (a) of Section 17 of Chapter 52 of the Statutes of 1969 shall be transferred by the Director of Finance to the State Highway Fund for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by a natural disaster occurring between September 1, 1972, and June 30, 1973, to present-day standards and to accommodate present traffic.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Annual natural disasters occurring in various counties of the state have caused and are expected to cause severe damage and

destruction to essential streets, roads, highways, and bridges, public facilities and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such streets, roads, highways, and bridges, public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 1285

An act to amend Sections 2635.1, 2914, 3056, 4089, 4511, 4514, 6060, 6062, 6885, 6886, 7526, 8020, 8023.5, 9022, 9042, 9700.5, and 17862 of the Business and Professions Code, Section 13575.5 of the Education Code, and Section 1101 of the Harbors and Navigation Code, to add and repeal Section 12331 of the Financial Code, and to repeal Sections 3057, 8740.5, 8793, 10150.5, and 10515.5 of the Business and Professions Code, and Section 1643 of the Insurance Code, relating to qualifications.

[Approved by Governor December 22, 1972. Filed with
Secretary of State December 22, 1972]

The people of the State of California do enact as follows:

SECTION 1. Section 2635.1 of the Business and Professions Code is amended to read:

2635.1. (a) An applicant whose application is based on a diploma issued to him by a foreign physical therapy school recognized by a member nation of the World Confederation for Physical Therapy shall furnish documentary evidence, satisfactory to the board, that he has completed in a physical therapy school or schools a resident course of professional instruction equivalent to that required in Section 2650 for a physical therapist applicant.

(b) Applicants under this section shall satisfactorily complete a period of service not to exceed nine months under the continuous direction and immediate supervision of a registered physical therapist licensed by the Board of Medical Examiners in a physical therapy service and in an institution both of which have been approved by the committee for providing such a period of service. The committee may waive all or any portion of the required period of service. The committee shall suggest and the board shall adopt guidelines for granting such waiver.

(c) Before a license may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) but must pass the written examination as provided under Section 2636 prior to commencing the period of service, and may be required to pass an oral examination at the completion of the period of service if such period of service has not been completed to the satisfaction of the

supervising registered physical therapist. The requirements to pass the written examination shall not apply to an applicant who at the time of his application has passed, to the satisfaction of the examining committee, an examination for licensing or registration in another state, district or territory of the United States that is, in the opinion of the examining committee, comparable to the examination given in this state.

(d) Nothing contained in this section shall prohibit the board from disapproving any foreign physical therapy school nor from denying the applicant if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this chapter for a physical therapist applicant.

SEC. 1.3. Section 2914 of the Business and Professions Code is amended to read:

2914. Each applicant shall comply with all of the following requirements:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.
- (c) Possess an earned doctorate degree in psychology or in educational psychology or a doctorate degree deemed equivalent by the committee in regulations duly adopted under this chapter. Such degree or training shall be obtained from the University of California, Stanford University, the University of Southern California, or from an accredited or approved college or university or any other educational institution approved by the committee as offering a comparable program in regulations duly adopted under this chapter.

No educational institution shall be denied recognition as an accredited or approved academic institution solely because its program is not accredited by any professional organization of psychologists, and nothing in this act or in the administration of this act shall require the registration with the committee by educational institutions of their departments of psychology or their doctoral programs in psychology.

(d) Have engaged for at least two years in supervised professional experience under the direction of a licensed psychologist or such suitable alternative supervision as determined by the committee in regulations duly adopted under this chapter, at least one year of which shall be after being awarded the doctorate in psychology.

(e) Have not, within the preceding six months, failed an examination given by the committee.

SEC. 1.5. Section 3056 of the Business and Professions Code is amended to read:

3056. Notwithstanding any other provision of this chapter, the board shall permit any person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

- (a) Is over the age of 18 years.
- (b) Is of good moral character.

(c) Has graduated from a college or university located in this state.

(d) Has a degree as a doctor of optometry issued by a university located outside the United States.

(e) Has at least four years experience as an instructor in optometry in a school located in the United States.

(f) Makes application to the board for admission to the examination within six months after the effective date of this section.

(g) Pays the fee specified in subdivision (b) of Section 3152.

SEC. 1.6. Section 3057 of the Business and Professions Code is repealed.

SEC. 1.7. Notwithstanding any other provision of law, the State Board of Optometry shall permit a person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

(a) Is over the age of 18 years.

(b) Is of good moral character.

(c) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application.

(d) Has been licensed to practice optometry in the state in which the school from which he graduated is located.

(e) Pays the fee specified in subdivision (b) of Section 3152 of the Business and Professions Code.

(f) Has been a resident of California for five years at the time of the application.

The provisions of this section shall be operative until December 31, 1973, and thereafter shall have no force or effect.

SEC. 2. Section 4089 of the Business and Professions Code is amended to read:

4089. Each applicant for the written and practical examination given by the board as specified in subdivision (d) of Section 4085 and each applicant for registration as a registered pharmacist shall be of good moral character and temperate habits.

SEC. 3. Section 4511 of the Business and Professions Code is amended to read:

4511. An applicant for a psychiatric technician's license shall have the following qualifications:

(a) Be at least 18 years of age.

(b) Have successfully completed an approved general education course of study through the 12th grade or the equivalent thereof as determined by the board.

(c) Have successfully completed a prescribed course of study and training of at least 12 months in length in a school accredited by the board, which course of study and training shall combine the nursing knowledge and skills necessary for the care of any ill person and in addition those special skills necessary for the care of the mentally ill or the mentally retarded, or have completed a course of study and

training which in the opinion of the board is equivalent to the minimum requirements of an accredited program for psychiatric technicians in the state.

(d) Have committed no act which, if committed by a licensed psychiatric technician, would be ground for disciplinary action.

SEC. 4. Section 4514 of the Business and Professions Code is amended to read:

4514. Prior to January 1, 1970, any person meeting the requirements of subdivisions (a) and (d) of Section 4511, and possessing the equivalent of the education and training requirements of that section as determined by the board, and who passes an examination given pursuant to Section 4513 shall be issued a license.

SEC. 4.3. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

(a) Be of the age of at least 18 years.

(b) Be of good moral character.

(c) Before beginning the study of law, have either:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee; or

(2) Reached the age of 23 years and have attained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined. Such equivalent with respect to a person applying for admission to a law school accredited by the examining committee shall be determined by the dean or faculty thereof and with respect to all other persons shall be determined by the examining committee. The determination by the examining committee may be made after a personal interview with the person or the examining committee may require him to pass a written examination. Such examination may be given by the examining committee, or, if the examining committee so elects, the examination may be given under its supervision by such members of the faculty of a college as the examining committee may select or by the Department of Education of this state; provided, however, that any person who receives an adverse determination by the committee without an examination or fails an examination given directly by the committee shall, upon demand made within 30 days after receiving notice thereof, have the right to be reexamined either by such faculty members or department as the committee may decide. In the event that the examination is given by the Department of Education, a fee for such examination shall be charged by the department, which fee shall not exceed fifteen dollars (\$15).

The requirements of paragraph (2) of this subdivision shall not

apply to a person who had reached the age of 25 years prior to commencing the study of law and who commenced such study and registered with the examining committee as provided in subdivision (d) of this section prior to January 1, 1955.

(d) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(e) Have either:

(1) Graduated from a law school accredited by the examining committee requiring substantially the full time of its students for three years.

(2) Graduated from a law school accredited by the examining committee requiring a part only of its students' time for four years.

(3) Studied law diligently and in good faith for at least four years, which study shall be:

(i) In a law school that is authorized to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year; or

(ii) In a law office in this state and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law; or

(iii) In the chambers and under the personal supervision of a judge of a court of record of this state; or

(iv) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year for four years.

(v) By any combination of the methods referred to in paragraph (3) of this subdivision.

It shall be the duty of the attorney or judge referred to under (ii) and (iii) of paragraph (3) of this subdivision to render such periodic reports to the examining committee as the committee may require.

(4) Commence the study of law and registered as a law student as provided in subdivision (d) of this section prior to January 1, 1954, and completed four years of law study, diligently and in good faith.

(f) Have passed a final bar examination given by the examining committee.

(g) After completion of his first year of law study, have passed a first-year law student's examination given by the examining committee. This requirement shall not apply to a student who satisfactorily completes the first-year course of instruction in a law school accredited by the examining committee and who either (1) commenced the study of law and registered with the examining committee as provided in subdivision (d) of this section prior to January 1, 1954, or (2) had completed at least two years of college work as defined in this section prior to matriculating in such accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country wherein the common law of England constitutes the basis

of jurisprudence. An applicant who is required to take such first-year examination shall not receive credit for his first year of law study until he has passed such examination; nor shall he receive credit for any law study subsequent to the first year, and before he shall have passed such examination, unless for good cause in a particular case the committee decides that credit should be given for such subsequent study or for some part thereof.

SEC. 4.6. Section 6062 of the Business and Professions Code is amended to read:

6062. To be certified to the Supreme Court for admission, and a license to practice law, a person, who has been admitted to practice law outside of this state, shall:

(a) Be of the age of at least 18 years.

(b) Be of good moral character.

(c) Have been admitted to practice before the highest court of a sister state or of any jurisdiction where the common law of England constitutes the basis of jurisprudence and (1) have been actively and substantially engaged in the practice of law in any such jurisdiction or jurisdictions for at least four years out of the six years immediately preceding the filing of his application for admission to practice in this state or (2) demonstrated to the satisfaction of the examining committee that his experience and qualifications qualify him to take an examination. Teaching in a law school accredited by the committee and services as a judge of a court of law shall be considered practice within the meaning of this section. In determining what constitutes practice for at least four years out of the next six years immediately preceding the filing of the application, time spent, subsequent to September 16, 1940, and prior to two years after termination of hostilities between the United States and the nations with which the United States is now at war as determined by act of Congress or proclamation of the President, in active duty as a member of the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or any of their respective components, or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator, when the applicant is not engaged in the practice of law within the meaning of this requirement shall be excluded.

(d) Have passed such examination as in the discretion of the examining committee may be required.

SEC. 5. Section 6885 of the Business and Professions Code is amended to read:

6885. Except as otherwise provided in this chapter, an applicant for a provisional qualification certificate shall:

(a) Be at least 18 years of age, and of good moral character.

(b) Have been a bona fide resident of this state continuously for at least one year next preceding the date of the filing of the application.

(c) Pay the required application and examination fees to the chief.

(d) Pass the examination required for a qualification certificate.

SEC. 6. Section 6886 of the Business and Professions Code is amended to read:

6886. Except as in this chapter otherwise provided, an applicant for a qualification certificate shall:

(a) Be at least 18 years of age.

(b) Be of good moral character.

(c) Have been a registered employee under this chapter for at least one year during the five years next preceding the date on which his application is filed.

(d) Pass the examination required.

(e) Pay the required application and examination fees to the chief, except that the examination fee shall be waived if the applicant is the holder of a provisional qualification certificate.

SEC. 7. Section 7526 of the Business and Professions Code is amended to read:

7526. Before an application for a license is granted, the applicant or his manager, shall meet all of the following:

(a) Be at least 18 years of age.

(b) Be of good moral character and temperate habits.

(c) Comply with such other qualifications as the director may fix by rule.

SEC. 8. Section 8020 of the Business and Professions Code is amended to read:

8020. Any person over the age of 18 years, of good moral character, having a high school education or its equivalent as determined by the board, who has satisfactorily passed an examination under such regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination unless he first presents satisfactory evidence to the board that within the five years immediately preceding the date his application for a certificate is filed with the board he has obtained one of the following:

(a) One year of experience in making verbatim records of meetings, conferences, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and transcribing such records.

(b) A passing grade on the National Shorthand Reporters Association School graduation test.

(c) A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or certificate from any such school evidencing equivalent proficiency and of the ability to make a verbatim record of material dictated in accordance with regulations adopted by the board contained in Title 16 of the Administrative Code.

(d) National Shorthand Reporters Association certificate of

proficiency or certificate of merit.

(e) A passing grade on the California state hearing reporters examination.

(f) Associated Stenotypists of America certificate of expert or master.

(g) A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California.

SEC. 9. Section 8023.5 of the Business and Professions Code is amended to read:

8023.5. If an applicant for a certificate is from a country where the principal language spoken is one other than English, the board may, in addition to any other examination required by this chapter, examine the applicant on his knowledge of the English language.

SEC. 10. Section 8740.5 of the Business and Professions Code is repealed.

SEC. 11. Section 8793 of the Business and Professions Code is repealed.

SEC. 12. Section 9022 of the Business and Professions Code is amended to read:

9022. Every applicant for a certificate under this chapter shall file an application with the board accompanied by the application fee prescribed by this chapter.

The application shall contain information showing that the applicant has all the qualifications required by the board for admission to the examination.

SEC. 13. Section 9042 of the Business and Professions Code is amended to read:

9042. Each applicant shall furnish evidence satisfactory to the board that he complies with all the following requirements:

(a) Is at least 18 years of age.

(b) Is of good moral character.

(c) Has received a master's degree from an accredited school of social work.

(d) Has had two years of full-time post-master's experience, acceptable to the board, in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic, or agency. One year of such experience shall have been in a hospital, clinic, or agency in which the applicant, under professional supervision, has employed such methods or measures.

(e) Has not committed any of the offenses set forth in Section 9028.

SEC. 14. Section 9700.5 of the Business and Professions Code is amended to read:

9700.5. The board shall not grant an original cemetery broker's license to any person who is not a resident of this state. Change of residence to another state shall terminate the license.

SEC. 15. Section 10150.5 of the Business and Professions Code is repealed.

SEC. 16. Section 10515.5 of the Business and Professions Code is repealed.

SEC. 17. Section 17862 of the Business and Professions Code is amended to read:

17862. A person who desires a license under this article shall meet all of the following qualifications:

(a) He shall possess at least a master's degree in psychology, educational psychology, school psychology, or counseling and guidance, or a degree deemed equivalent by the board under regulations duly adopted under this article. Such degree or training shall be obtained from educational institutions approved by the board according to the regulations duly adopted under this article.

(b) He shall be at least 18 years of age.

(c) He shall be of good moral character.

(d) He shall have successfully completed 60 semester hours of postgraduate work devoted to pupil personnel services or have experience deemed equivalent by the board in regulations duly adopted under this chapter.

(e) He shall furnish proof of three years of full-time experience as a credentialed school psychologist in the public schools or experience which the board deems equivalent. If the applicant provides proof of having completed one year's internship working full time as a school psychologist intern in the public schools in an accredited internship program, one year's experience shall be credited toward this requirement.

(f) He shall furnish written statements from two sponsors having personal knowledge of his professional competence. These statements shall include a description of the applicant's functioning and evaluation of his professional competencies, and statements relating to the moral character of the applicant. The sponsor of this applicant shall be qualified to be a licensed educational psychologist under this article.

(g) He shall be examined by the board with respect to the professional functions authorized by this article.

(h) He shall have at least one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist, or such suitable alternative experience as determined by the board in regulations duly adopted under this chapter.

SEC. 17.3. Section 13575.5 of the Education Code is amended to read:

13575.5. The Commission for Teacher Preparation and Licensing shall adopt rules and regulations providing for the recruitment of, and issuance of special credentials in the teaching of a foreign language to foreign-born persons or others having native fluency in a modern foreign language to teach foreign languages in the public schools of California. The issuance of special credentials in the teaching of foreign languages pursuant to this section shall be limited to 500 persons a year. The commission shall prescribe the minimum standards for such special credentials and shall provide for the

renewal of such credentials. In issuing the credentials to any applicant the commission shall take into consideration fluency in the language to be taught, academic preparation, previous teaching experience, a knowledge of modern methods of foreign language instruction and a knowledge of peoples of other countries and their environment. The commission shall adopt rules and regulations which require the holder of a special credential issued under this section to undertake, within a reasonable time, a course of study which will enable the holder to become eligible for a standard teaching credential.

SEC. 17.6. Section 12331 of the Financial Code is repealed.

SEC. 17.7. Section 12331 is added to the Financial Code, to read:
12331. Within the organization of each prorater corporation, either as an owner, officer, or employee, there shall be one or more persons possessing a minimum of five years experience in consumer credit extension or credit collection activity. At least one such qualified person shall be stationed on duty at each business location during the time the location is open for business.

SEC. 18. Section 1643 of the Insurance Code is repealed.

SEC. 19. Section 1101 of the Harbors and Navigation Code is amended to read:

1101. A person may not be appointed or licensed as a pilot unless he:

(a) Is over the age of 18 years, and not over the age of 70 years. No other limitation of age shall be imposed.

(b) Has a practical knowledge of the management of motorships, steam vessels and of the tides, soundings, bearings, and distances of the several shoals, bars, rocks, points of land, lighthouses, and fog signals of the ports and harbors for which he is appointed.

(c) Is of good moral character, temperate, and possesses the skill and ability necessary to discharge the duties of pilot.

SEC. 20. It is the intent of the Legislature, if this bill and Assembly Bill No. 1506 are both chaptered and repeal Section 3057 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 1506, that Section 1.7 of this act be given effect. Therefore, Section 1.7 of this act shall become operative only if this bill and Assembly Bill No. 1506 are both chaptered, both repeal Section 3057 of the Business and Professions Code, and Assembly Bill No. 1506 is chaptered before this bill, in which case Section 2 of Assembly Bill No. 1506 shall not become operative.

CHAPTER 1286

An act to amend Sections 9042, 9047, and 9056 of, to add Section 9058 to, and to add Article 5 (commencing with Section 9070) to Chapter 17 of Division 3 of, the Business and Professions Code, and

to amend Section 1014 of the Evidence Code, relating to clinical social workers.

[Approved by Governor December 22, 1972. Filed with
Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9042 of the Business and Professions Code is amended to read:

9042. Each applicant shall furnish evidence satisfactory to the board that he complies with all the following requirements:

- (a) Is at least 21 years of age.
- (b) Is of good moral character.
- (c) Has received a master's degree from an accredited school of social work.

(d) Has had two years of full-time post-masters experience, acceptable to the board, in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic, or agency. One year of such experience shall have been in a hospital, clinic, or agency in which the applicant, under professional supervision, has employed such methods or measures. The board may establish standards for equivalent means of meeting the requirements of this subdivision. Such standards shall insure that the performance of services authorized by Section 9047 by persons complying with such standards shall be done in a manner which protects the health and welfare of the persons receiving such services.

- (e) Has not committed any of the offenses set forth in Section 9028.

SEC. 2. Section 9047 of the Business and Professions Code is amended to read:

9047. The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the annual renewal fees thereof have been paid, licenses the holder thereof to engage in the practice of clinical social work as defined in Section 9049, entitles the holder thereof to use the title of licensed clinical social worker, and authorizes the holder to hold himself out as qualified to perform any of the functions delineated by this chapter. The form and contents of the license shall be determined by the director in accordance with Section 164.

SEC. 3. Section 9056 of the Business and Professions Code is amended to read:

9056. A person other than a licensed clinical social worker may be employed as an apprentice clinical social worker by a licensed clinical social worker, a licensed psychologist, or a psychiatrist who is a licensed physician and surgeon, provided that:

- (a) Such person has a master's degree from an accredited school or department of social work.
- (b) Such person is at all times under the supervision of a licensed

clinical social worker, a licensed psychologist, or a board certified psychiatrist who shall be responsible for insuring that the extent, kind, and quality of the clinical social work services he performs are consistent with competent practice and be responsible for his compliance with the provisions of this chapter, and the regulations adopted pursuant to this chapter and including those provisions set forth in Section 9051.

(c) Such person does not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee of the professional person qualified under this section.

(d) The employing licensed clinical social worker, licensed psychologist, or psychiatrist has submitted to the board the name and professional qualifications of such apprentice clinical social worker. No licensed clinical social worker may employ more than three such apprentice clinical social workers at any given time unless specifically authorized to do so by the board. No licensed clinical psychologist nor psychiatrist shall employ more than one such apprentice clinical social worker at any given time.

(e) Such person complies with such regulations as the board may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

SEC. 4. Section 9058 is added to the Business and Professions Code, to read:

9058. Nothing in this article shall be deemed to prohibit the acts and practices of a licensed clinical social workers corporation duly certificated pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code and Article 5 (commencing with Section 9070) of this chapter, when such corporation is in compliance with (a) the Moscone-Knox Professional Corporation Act; (b) Article 5 (commencing with Section 9070) of this chapter; and (c) all other statutes and all rules and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

SEC. 5. Article 5 (commencing with Section 9070) is added to Chapter 17 of Division 3 of the Business and Professions Code, to read:

Article 5. Licensed Clinical Social Workers Corporations

9070. A licensed clinical social workers corporation is a corporation which is registered with the Board of Behavioral Science Examiners and has a currently effective certificate of registration from the board pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such licensed clinical social workers corporation is entitled to practice clinical social work. With respect to a licensed clinical social workers

corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Board of Behavioral Science Examiners.

9071. An applicant for registration as a licensed clinical social workers corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that, except as provided in Section 13403 of the Corporations Code, each officer, director, shareholder and each employee who will render professional services is a licensed person as defined in the Moscone-Knox Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

9072. Each licensed clinical social workers corporation shall file with the board annually and at such other times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations of the board as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

9073. Notwithstanding Section 9040, the name of a licensed clinical social workers corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and shall include the words "licensed clinical social workers corporation" or wording or abbreviations denoting corporate existence.

9074. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a licensed clinical social workers corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

9075. The income of a licensed clinical social workers corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the licensed clinical social workers corporation.

9076. A licensed clinical social workers corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under Section 9041

of this code. The board shall have the same powers of suspension, revocation and discipline against a licensed clinical social workers corporation as are now or hereafter authorized by Section 9051 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against a licensed clinical social workers corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

9077. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a licensed clinical social workers corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a licensed clinical social workers corporation as a condition of obtaining a certificate pursuant to the Moscone-Knox Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

SEC. 6. Section 1014 of the Evidence Code is amended to read:

1014. Subject to Section 912 and except as otherwise provided in this article, the patient, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and psychotherapist if the privilege is claimed by:

- (a) The holder of the privilege;
- (b) A person who is authorized to claim the privilege by the holder of the privilege; or
- (c) The person who was the psychotherapist at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

The relationship of a psychotherapist and patient shall exist between a psychological corporation as defined in Article 9 (commencing with Section 2995) of Chapter 6.6 of Division 2 of the Business and Professions Code or a licensed clinical social workers corporation as defined in Article 5 (commencing with Section 9070) of Chapter 17 of Division 3 of the Business and Professions Code, and the patient to whom it renders professional services, as well as between such patients and psychotherapists employed by such corporations to render services to such patients. The word "persons" as used in this subdivision includes partnerships, corporations, associations and other groups and entities.

CHAPTER 1287

An act to amend Sections 9801, 9802, 9803, 9805, 9820, 9823, 9825, 9841, and 9844 of the Business and Professions Code, relating to repair services.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9801 of the Business and Professions Code, as amended by Chapter 716 of the Statutes of 1971, is amended to read: 9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Repair Services.

(e) "Chief" means the Chief of the Bureau of Repair Services.

(f) "Board" means the Repair Services Advisory Board.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles.

(h) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

SEC. 2. Section 9802 of the Business and Professions Code is amended to read:

9802. This chapter does not apply to:

(a) Any employee of a service dealer if the employee repairs, services or maintains television, radio, or audio or video recorder or playback equipment normally used or sold for use in the home or in private motor vehicles for compensation only as such an employee.

(b) The repair, service or maintenance of equipment used in commercial, industrial, or governmental establishments.

(c) The repair, service, or maintenance of equipment the ordinary and usual use of which requires a license or permit issued by the Federal Communications Commission.

SEC. 3. Section 9803 of the Business and Professions Code is amended to read:

9803. When the installation of any television, radio, or audio or video recorder or playback equipment normally used or sold for use in the home or in private motor vehicles involves a function which is subject to the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of this code, such function shall be performed by a person who is licensed pursuant thereto.

SEC. 4. Section 9805 of the Business and Professions Code is

amended to read:

9805. No person registered under this chapter shall be required to apply for a license pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of this code if such person's activities consist only of repairing, servicing, or maintaining televisions, radio, or audio or video recorder or playback equipment normally used or sold for use in the home or in private motor vehicles.

SEC. 5. Section 9820 of the Business and Professions Code is amended to read:

9820. Three members of the advisory board shall be selected to represent the public and two members shall be selected from the radio, television and audio or video recorder or playback equipment repair industry.

SEC. 6. Section 9823 of the Business and Professions Code is amended to read:

9823. The quorum required for any meeting of the board shall consist of three members, one of which shall be a representative of the radio, television, and audio or video recorder or playback equipment repair industry. No action by the board or its members shall have any effect unless a quorum of the board is present. All meetings of the board shall be open and public.

SEC. 7. Section 9825 of the Business and Professions Code is amended to read:

9825. The board shall:

(a) Inquire into the practices of the radio, television, and audio or video recorder or playback equipment repair industry, the functions of the bureau and the matter of the policy thereof, and make such recommendations with respect thereto as after consideration, may be deemed important and necessary for the welfare of the consuming public.

(b) Confer and advise with the director and chief as to how the bureau may best fulfill its functions.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of regulations which the director has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Assist the director and the chief in the collection of such necessary information and data as the director or the chief may deem necessary to the proper administration of this chapter.

SEC. 8. Section 9841 of the Business and Professions Code is amended to read:

9841. (a) The director may refuse to validate, or may invalidate temporarily or permanently the registration of a service dealer for any of the following acts or omissions done by himself or any employee, partner, officer, or member of the service dealer and related to the conduct of his business:

(1) Making or authorizing any statement or advertisement which

is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(2) Making any false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of the equipment covered by this chapter.

(3) Acting for more than one customer in a transaction without the knowledge or consent of all parties thereto.

(4) Any other conduct which constitutes fraud or dishonest dealing.

(5) Conduct constituting gross negligence.

(6) Failure in any material respect to comply with the provisions of this chapter or regulations thereunder.

(7) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect which is prejudicial to another without consent of the owner or his duly authorized representative.

(b) The director may also refuse to validate, or may invalidate temporarily or permanently, the registration of a service dealer if the applicant or registrant, as the case may be, lacks good moral character as defined by Section 9831.

SEC. 9. Section 9844 of the Business and Professions Code is amended to read:

9844. If a customer requests an estimate for repairs necessary for a specific job, the service dealer shall make such an estimate in writing, which estimate shall include parts and labor, and the service dealer may not charge for work done or parts supplied in excess of the estimate without previous consent of the customer. The service dealer may charge a reasonable fee for making the estimate.

CHAPTER 1288

An act to amend Sections 9800, 9801, 9802, 9803, 9805, 9817, 9819, 9820, 9823, 9825, 9830, and 9873 of the Business and Professions Code, relating to repair dealers.

[Approved by Governor December 22, 1972. Filed with
Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 9800 of the Business and Professions Code is amended to read:

9800. This chapter of the Business and Professions Code constitutes the chapter on electronic and appliance repair dealers. It may be cited as the Electronic and Appliance Repair Dealer Registration Law.

SEC. 2. Section 9801 of the Business and Professions Code, as amended by Chapter 716 of the Statutes of 1971, is amended to read:

9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Repair Services.

(e) "Chief" means the Chief of the Bureau of Repair Services.

(f) "Board" means the Repair Services Advisory Board.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, or audio or video recorders, or playback equipment, normally used or sold for use in the home or in private motor vehicles, or any appliance.

(h) "Appliance" means any refrigerator, freezer, range, washer, dryer, dishwasher, or room air conditioner normally used or sold for use in the home.

(i) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

SEC. 2.5. Section 9801 of the Business and Professions Code, as amended by Section 1 of Assembly Bill No. 1143, is amended to read:

9801. The following terms as used in this chapter have the meaning expressed in this section:

(a) "Person" includes firm, partnership, association, or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Repair Services.

(e) "Chief" means the Chief of the Bureau of Repair Services.

(f) "Board" means the Repair Services Advisory Board.

(g) "Service dealer" means a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, or any appliances.

(h) "Appliance" means any refrigerator, freezer, range, washer, dryer, dishwasher, or room air conditioner normally used or sold for use in the home.

(i) "Complainant" means the customer of a service dealer who has complained to the director concerning such service dealer.

SEC. 3. Section 9802 of the Business and Professions Code is amended to read:

9802. This chapter does not apply to:

(a) Any employee of a service dealer if the employee repairs, services or maintains television, radio, or audio or video recorders, or playback equipment, or appliances, for compensation only as such an employee.

(b) The repair, service, or maintenance of equipment used in commercial, industrial, or governmental establishments.

SEC. 3.5. Section 9802 of the Business and Professions Code, as amended by Section 2 of Assembly Bill No. 1143, is amended to read: 9802. This chapter does not apply to:

(a) Any employee of a service dealer if the employee repairs, services, or maintains television, radio, or audio or video recorder or playback equipment normally used or sold for use in the home or in private motor vehicles, or appliances, for compensation only as such an employee.

(b) The repair, service, or maintenance of equipment used in commercial, industrial, or governmental establishments.

(c) The repair, service, or maintenance of equipment the ordinary and usual use of which requires a license or permit issued by the Federal Communications Commission.

SEC. 4. Section 9803 of the Business and Professions Code is amended to read:

9803. When the installation service, maintenance or repair of any television, radio, or audio or video recorder or playback equipment or appliance involves a function which is subject to and regulated under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of this code, such function shall be performed by a person who is licensed pursuant thereto.

SEC. 4.5. Section 9803 of the Business and Professions Code, as amended by Section 3 of Assembly Bill No. 1143, is amended to read:

9803. When the installation service, maintenance, or repair of any television, radio, or audio or video recorder or playback equipment normally used or sold for use in the home or in private motor vehicles, or appliance involves a function which is subject to and regulated under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of this code, such function shall be performed by a person who is licensed pursuant thereto.

SEC. 5. Section 9805 of the Business and Professions Code is amended to read:

9805. No person registered under this chapter shall be required to apply for a license pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of this code, if such person's activities consist only of repairing, servicing, or maintaining televisions, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, or any appliances, and such repair, service, or maintenance is not subject to and regulated under such Chapter 9.

SEC. 5.5. Section 9805 of the Business and Professions Code, as amended by Section 4 of Assembly Bill No. 1143, is amended to read:

9805. No person registered under this chapter shall be required to apply for a license pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of this code if such person's activities consist only of repairing, servicing, or maintaining televisions, radio, or audio or video recorder or playback equipment normally used or sold for use in the home or in private motor vehicles, or any appliances, and such repair, service, or maintenance is not subject to

and regulated under such Chapter 9.

SEC. 6. Section 9817 of the Business and Professions Code is amended to read:

9817. There is in the bureau a Repair Services Advisory Board. It consists of nine members appointed by the Governor subject to confirmation by the Senate.

SEC. 7. Section 9819 of the Business and Professions Code is amended to read:

9819. Each member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board first appointed shall expire as follows: one member, January 15, 1965; two members, January 15, 1966; two members, January 15, 1967. The terms shall thereafter expire in the same relative order. Vacancies occurring shall be filled by appointment to the unexpired term.

The terms of the four members of the board appointed in accordance with the amendments to this section enacted at the 1972 Regular Session of the Legislature shall expire as follows: one member, January 15, 1974; one member, January 15, 1975; one member January 15, 1976; and one member January 15, 1977. The terms shall thereafter expire in the same relative order. Vacancies occurring shall be filled by appointment to the unexpired term.

SEC. 8. Section 9820 of the Business and Professions Code is amended to read:

9820. Five members of the advisory board shall be selected to represent the public, two members shall be selected from the electronic repair industry, and two members shall be selected from the appliance repair industry.

SEC. 8.5. Section 9820 of the Business and Professions Code, as amended by Section 5 of Assembly Bill No. 1143, is amended to read:

9820. Five members of the advisory board shall be selected to represent the public, two members shall be selected from the radio, television and audio or video recorder or playback equipment repair industry, and two members shall be selected from the appliance repair industry.

SEC. 9. Section 9823 of the Business and Professions Code is amended to read:

9823. The quorum required for any meeting of the board shall consist of five members, one of which shall be a representative of the electronic repair industry, and one of which shall be a representative of the appliance repair industry. No action by the board or its members shall have any effect unless a quorum of the board is present. All meetings of the board shall be open and public.

SEC. 9.5. Section 9823 of the Business and Professions Code, as amended by Section 6 of Assembly Bill No. 1143, is amended to read:

9823. The quorum required for any meeting of the board shall

consist of five members, one of which shall be a representative of the radio, television, and audio or video recorder or playback equipment repair industry, and one of which shall be a representative of the appliance repair industry. No action by the board or its members shall have any effect unless a quorum of the board is present. All meetings of the board shall be open and public.

SEC. 10. Section 9825 of the Business and Professions Code is amended to read:

9825. The board shall:

(a) Inquire into the practices of the electronic repair industry and the appliance repair industry, the functions of the bureau and the matter of the policy thereof, and make such recommendations with respect thereto as after consideration, may be deemed important and necessary for the welfare of the consuming public.

(b) Confer and advise with the director and chief as to how the bureau may best fulfill its functions.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of regulations which the director has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Assist the director and the chief in the collection of such necessary information and data as the director or the chief may deem necessary to the proper administration of this chapter.

SEC. 10.5. Section 9825 of the Business and Professions Code, as amended by Section 7 of Assembly Bill No. 1143, is amended to read:

9825. The board shall:

(a) Inquire into the practices of the radio, television, and audio or video recorder or playback equipment repair industry and the appliance repair industry, the functions of the bureau and the matter of the policy thereof, and make such recommendations with respect thereto as after consideration, may be deemed important and necessary for the welfare of the consuming public.

(b) Confer and advise with the director and chief as to how the bureau may best fulfill its functions.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of regulations which the director has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Assist the director and the chief in the collection of such necessary information and data as the director or the chief may deem necessary to the proper administration of this chapter.

SEC. 11. Section 9830 of the Business and Professions Code is amended to read:

9830. Each service dealer shall pay the fee required by this chapter for each place of business operated by him in this state and

shall register with the bureau upon forms prescribed by the director. The forms shall contain sufficient information to identify the service dealer, including name, address, retail seller's permit number, if a permit is required under the Sales and Use Tax Law (Part 1, commencing with Section 6001, of Division 2 of the Revenue and Taxation Code), and other identifying data to be prescribed by the bureau. If the business is to be carried on under a fictitious name, such fictitious name shall be stated. If the service dealer is a partnership, identifying data shall be stated for each partner. If the service dealer is a corporation, data shall be included for each of the officers and directors of the corporation as well as for the individual in charge of each place of the service dealer's business in the State of California, subject to such regulations as the director may make.

SEC. 12. Section 9873 of the Business and Professions Code is amended to read:

9873. The fees prescribed by this chapter shall be set by the director according to the following schedule:

(a) The service dealer registration fee for a service dealer who for compensation engages in the business of repairing, servicing, or maintaining either (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, or (2) appliances, but not both, is not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each place of business in this state. The service dealer registration fee for a service dealer who for compensation engages in the business of repairing or maintaining both (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, and (2) appliances, is not more than one hundred dollars (\$100).

(b) The annual renewal fee for a service dealer registration for a service dealer who for compensation engages in the business of repairing, servicing, or maintaining either (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles, or (2) appliances, but not both, is not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each place of business in this state, if renewed prior to its expiration date. The annual renewal fee for a service dealer who for compensation engages in the business of repairing or maintaining both (1) television, radio, or audio or video recorders or playback equipment normally used or sold for use in the home or in private motor vehicles and (2) appliances, is not more than seventy-five dollars (\$75).

(c) The delinquency fee is an amount equal to 50 percent of the renewal fee in effect on the last preceding regular renewal date.

SEC. 13. It is the intent of the Legislature, if this bill and Assembly Bill No. 1143 are both chaptered and amend Sections 9801, 9802, 9803, 9805, 9820, 9823, and 9825 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 1143, that Sections 9801, 9802, 9803, 9805, 9820, 9823, and 9825 of the Business

and Professions Code, as amended by Sections 1, 2, 3, 4, 5, 6, and 7 of Assembly Bill No. 1143 shall, notwithstanding Section 9605 of the Government Code, remain operative until the operative date of this act, and on such date shall be further amended in the form set forth in Sections 1.5, 3.5, 4.5, 5.5, 8.5, 9.5, and 10.5 of this act to incorporate the changes in Sections 9801, 9802, 9803, 9805, 9820, 9823, and 9825 proposed by this bill. Therefore, Sections 1.5, 3.5, 4.5, 5.5, 8.5, 9.5, and 10.5 of this act shall become operative only if Assembly Bill No. 1143 is chaptered before this bill and amends Sections 9801, 9802, 9803, 9805, 9820, 9823, and 9825, and in such case Sections 1.5, 3.5, 4.5, 5.5, 8.5, 9.5, and 10.5 of this act shall become operative on the operative date of this act and Sections 1, 3, 4, 5, 8, 9, and 10 of this act shall not become operative.

SEC. 14. This act shall become operative on June 30, 1973.

CHAPTER 1289

An act to amend Section 23752 of the Education Code, to amend Section 71006 of the Government Code, and to add Sections 1463.5, 1463.6, and 1463.7 to the Penal Code, relating to disposition of parking fees and fines.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 23752 of the Education Code is amended to read:

23752. The Trustees of the California State Colleges are authorized to acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2, Government Code) or by lease or other means, real property and to construct, operate and maintain motor vehicle parking facilities thereon for state college officers, employees, students, or other persons. The trustees may prescribe the terms and conditions of such parking, and of parking on facilities existing on the effective date of this section, including the payment of parking fees in such amounts and under such circumstances as may be determined by the trustees. Varying rates of parking fees may be established for different localities or for different parking facilities. In determining rates of parking fees the trustees may consider the rates charged in the same locality by other public agencies and by private employers for employee parking, and the rates charged to students by other universities and colleges.

Except as otherwise provided in this section, revenues received by the trustees from any of the hereinabove motor vehicle parking facilities, as well as from all parking facilities existing on the effective

date of this section, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State College Parking Revenue Fund, which fund is hereby created. The trustees may pledge all or any part of such revenues in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947 (Article 2 (commencing with Section 24501), Chapter 11, Division 18), in which case such revenues shall be deposited, transmitted and used in the manner provided by that act. All revenues received by the trustees from parking facilities, to the extent not pledged in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947, are hereby appropriated, without regard to fiscal years, to the trustees for the acquisition, construction, operation and maintenance of motor vehicle parking facilities on real property acquired hereunder or on real property otherwise under the jurisdiction of the trustees, and for the study of alternate methods of transportation for students and employees of the California State Universities and Colleges. Moneys in the State College Parking Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the State College Parking Revenue Fund.

The Legislature by this section does not intend to authorize the institution of a private parking program unrelated to state purposes in competition with private industry.

SEC. 2. Section 71006 of the Government Code is amended to read:

71006. All fines, forfeitures, deposits in court, and unclaimed bail shall be disposed of as provided in Sections 1463, 1463.2, 1463.3, 1463.4, 1463.5, 1463.6, and 1463.9 of the Penal Code and Sections 42200, 42201, and 42203 of the Vehicle Code.

SEC. 3. Section 1463.5 is added to the Penal Code, to read:

1463.5. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred, once a month, into the State Treasury to the credit of the State College Parking Revenue Fund an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by a member of the state college police and charged with a violation of parking regulations adopted by or with the sanction of the trustees of the state colleges pursuant to subdivision (a) of Section 21113 of the Vehicle Code which are applicable to parking upon property under the possession or control of the trustees, and an amount equal to the remaining 50 percent shall be transferred into the general fund of the county.

SEC. 4. Section 1463.6 is added to the Penal Code, to read:

1463.6. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred first, once a month, to the Regents of the University of California an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeitures of bail from any person arrested or notified by a member of the University of California Police and charged with a violation of parking regulations adopted by or with the sanction of the Regents of the University of California pursuant to subdivision (a) of Section 21113 of the Vehicle Code which are applicable to parking upon property within the county under the possession or control of the regents, and an amount equal to the remaining 50 percent shall be transferred into the general fund of the county.

SEC. 5. Section 1463.7 is added to the Penal Code, to read:

1463.7. Funds transferred to the credit of the State College Parking Revenue Fund pursuant to Section 1463.5 and funds transferred to the Regents of the University of California pursuant to Section 1463.6 may not be utilized to purchase land or to construct any parking facility. Such funds may be utilized for the maintenance of existing parking facilities or alternate methods of transportation of students and employees of the California State Universities and Colleges or the University of California.

CHAPTER 1290

An act to add Chapter 3.5 (commencing with Section 1050) to Division 2 of the Streets and Highways Code, relating to private byroads.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 (commencing with Section 1050) is added to Division 2 of the Streets and Highways Code, to read:

CHAPTER 3.5. PRIVATE BYROADS

1050. For the purposes of this chapter, "private byroads" are roads opened, laid out, or altered for the purpose of providing access to parcels of land of more than 100 acres which have been cut off by a change in the course of a navigable stream. Except as provided in this chapter, private byroads may be opened, laid out, or altered for the necessity of one or more residents or landowners of any road district in the same manner, and using the same procedure, as specified for the opening, laying out, or altering of public roads as

provided in Article 3 (commencing with Section 1160) of Chapter 4, Division 2; provided, however, that only one petitioner is necessary.

1051. The petitioner shall be either a resident or a landowner in the road district.

1052. The petitioner shall accompany the petition with a good and sufficient bond, approved by the board of supervisors, in double the amount of the probable cost of the proceedings, including the market value for land taken and any severance damage resulting from such taking, and shall be conditioned that the bondsmen will pay all costs of the proceedings, including any compensation which may be awarded to any landowner.

The bond shall be further conditioned that the bondsmen will pay to the person over whose land the private byroad is sought to be opened or altered, his necessary costs and disbursements in contesting the opening or alteration of the private byroad, in case the petition is not granted or the private byroad is finally not opened or altered.

In lieu of a bond, the petitioner may deposit with the clerk of the board of supervisors a sum of money in an amount to be fixed by the board, together with an agreement that the money may be used by the board to pay the expenses of the proceedings, including all the costs and disbursements required by this section in the event a bond is given.

1053. The board of supervisors may, by resolution, order the private byroad to be opened, laid out, or altered. The clerk shall cause such order to be recorded in the office of the county recorder within five days, naming the owner of the dominant tenement as "grantee" and the owner of the servient tenement as "grantor."

1054. The person for whose benefit the private byroad is required shall pay the landowner the market value for land taken and any severance damage resulting from such taking and shall build and maintain the private byroad.

CHAPTER 1291

An act to add Sections 18609 and 18752.5 to the Business and Professions Code, relating to boxing.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 18609 is added to the Business and Professions Code, to read:

18609. (a) Except as otherwise provided by this section, "boxing," as used in this chapter, includes kickboxing. The provisions of Sections 18736, 18737, 18738, 18738.5, 18739, 18740, and 18741 shall

not apply to kickboxing.

(c) As used in this chapter, "kickboxing" means a form of boxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

SEC. 2. Section 18752.5 is added to the Business and Professions Code, to read:

18752.5. (a) The commission shall by rule and regulation regulate kickboxing matches and contests, which shall be fought on the basis of the best effort of the contestants, and kickboxing exhibitions, which need not be fought on the basis of the best effort of the contestants.

(b) Kickboxing exhibitions shall be governed by provisions in Article 7.5 (commencing with Section 18755) of this chapter, relating to wrestling exhibitions, except that in such case regulations therein shall apply to "kickboxing exhibitions" rather than "wrestling exhibitions."

(c) The commission shall by rule and regulation prescribe the length or duration of kickboxing matches and contests, the manner in which the contestants or participants shall engage in such matches and contests, and such further safeguards and conditions as shall insure fair, sportsmanlike, and scientific kickboxing contests and matches.

CHAPTER 1292

An act to amend, add, and repeal Section 5751 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The State Director of Mental Hygiene, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional, administrative and technical personnel employed in mental health services and for the organization and operation of mental health services. No regulations shall be adopted which prohibit a psychiatrist, psychologist or clinical social worker from employment in a local mental health program in any professional, administrative or technical positions in mental health services.

Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607. Such standards may include the maintenance of records

of services, finances, and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

Regulations pertaining to the position of director of local mental health services, where the local director is other than the local health officer or medical administrator of the county hospitals, shall require that the director be a psychiatrist, psychologist, clinical social worker, or hospital administrator, who meets the standards of education and experience established by the State Director of Mental Hygiene. Where the director is not a psychiatrist, the program shall have a psychiatrist licensed to practice medicine in this state and who shall provide to patients medical care and services as authorized by Section 2137 of the Business and Professions Code.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

This section shall remain in effect only until Reorganization Plan No. 1 becomes operative and on such date is repealed.

SEC. 2. Section 5751 is added to the Welfare and Institutions Code, to read:

5751. The Director of Health, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional, administrative, and technical personnel employed in mental health services and for the organization and operation of mental health services. No regulations shall be adopted which prohibit a psychiatrist, psychologist or clinical social worker from employment in a local mental health program in any professional, administrative or technical positions in mental health services.

Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

Regulations pertaining to the position of director of local mental health services, where the local director is other than the local health officer or medical administrator of the county hospitals, shall require that the director be a psychiatrist, psychologist, clinical social worker or hospital administrator, who meets standards of education and experience established by the Director of Health. Where the director is not a psychiatrist, the program shall have a psychiatrist licensed to practice medicine in this state and who shall provide to patients medical care and services as authorized by Section 2137 of the Business and Professions Code.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

This section shall become operative on the same date as

Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 3. It is the intent of the Legislature, that, if Reorganization Plan No. 1 of 1970 becomes operative, Section 5751 of the Welfare and Institutions Code, as amended by Section 1 of this act, shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes operative and on that date Section 5751 of the Welfare and Institutions Code, as added by Section 2 of this act, which includes the changes in Section 5751 made by both Reorganization Plan No. 1 of 1970 and Section 1 of this act, shall become operative.

CHAPTER 1293

An act to amend Section 1793.1 of the Civil Code, relating to warranties.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 1793.1 of the Civil Code is amended to read:
1793.1. (a) Every manufacturer, distributor, or retailer making express warranties with respect to consumer goods shall fully set forth such warranties in readily understood language and clearly identify the party making such express warranties.

(b) Every manufacturer, distributor, or retailer making express warranties and who elects to maintain service and repair facilities within this state pursuant to the provisions of this chapter shall:

(1) At the time of sale, provide the buyer with the name and address of each such service and repair facility within this state; or

(2) At the time of sale, provide the buyer with the name and address and telephone number of a service and repair facility central directory within this state, or the toll-free telephone number of a service and repair facility central directory outside this state. It shall be the duty of the central directory to provide, upon inquiry, the name and address of the authorized service and repair facility nearest the buyer; or

(3) Maintain at the premises of retail sellers of the warrantor's consumer goods a current listing of such warrantor's authorized service and repair facilities, or retail sellers to whom the consumer goods are to be returned for service and repair, whichever is applicable, within this state. It shall be the duty of every retail seller provided with such a listing to provide, on inquiry, the name, address, and telephone number of the nearest authorized service and repair facility, or the retail seller to whom the consumer goods are to be returned for service and repair, whichever is applicable.

CHAPTER 1294

An act to amend Sections 8 and 10.1 of, and to add Sections 10.4 and 10.5 to, the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), relating to the San Mateo County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 22, 1972. Filed with Secretary of State December 22, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 8 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec. 8. The board of supervisors of said district shall have power, in any year:

1. To levy taxes or assessments in each or any of the zones of the district to pay the cost and expenses of administering, engineering, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said zone or zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

2. To levy taxes or assessments by either method authorized by subdivision 1 of this section in each or any, of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, administering, engineering, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said zone or zones.

3. To levy taxes or assessments within a zone within which one or more subzones are established pursuant to Section 10.1 of this act in the manner provided by, and subject to the limitations of, that section.

4. Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county

treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 1 of this section shall be expended for administering, engineering, constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone except as provided in Section 11 hereof; and provided, further, however, that the aggregate taxes or assessments levied in any zone or subzone established under this act for any fiscal year shall not exceed forty cents (\$.40) on each one hundred dollars (\$100) of assessed valuation of the taxable property in such zone or subzone, exclusive of any tax levied to meet the bonded indebtedness of any such zone or subzone and the interest thereon. The maximum rate of forty cents (\$.40) set forth herein supersedes any maximum tax or assessment rate previously fixed by the board in a resolution establishing any zone or subzone pursuant to Section 10 hereof, and may be levied within any zone or subzone irrespective of any such maximum tax or assessment rate so fixed.

SEC. 2. Section 10.1 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec. 10.1. The board shall, by resolution, at the time of the institution of a project pursuant to Section 10.3 of this act, order the formation of any subzone within such a zone where, in the opinion of the board the contemplated improvements authorized by this act and the operation and maintenance thereof will be of special benefit to any such subzone, and are not of equal benefit to the entire zone within which any such subzone is proposed to be established. Notice of the intention to form any such subzone or subzones within a zone shall be given in the resolution specifying the board's intention to undertake a project. Any such subzone may be formed within the zone without regard to the boundaries of any natural drainage basin and the board may form as many subzones within a zone as may, in the opinion of the board, be necessary. At the time of the formation of any such subzone the board shall determine, after engineering studies for such purpose, the percentage (%) of benefit from the improvements proposed to be made within the zone and from the operation and maintenance thereof, to inure to the property in any such subzone. In the event that any bonded indebtedness is thereafter incurred within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed to pay that percentage (%) of the principal and interest of such bonded indebtedness determined to be the percentage (%) of benefit to the property within such subzone, by the board in the manner above mentioned. In the event that any tax or assessment for improvements, operation, maintenance or any other purpose is thereafter levied within a zone

established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed or assessed to pay that percentage of the improvement costs, and of the operation, maintenance or other cost thereof, determined to be the percentage of benefit to the property within such subzone by reason of such improvements.

If, at any time after the formation of a subzone pursuant to the provisions of this act, the board deems it necessary and desirable to do so, it may review the validity of the engineering studies relating to the formation of the subzone and, if appropriate, make a new determination as to the percentage of benefit accruing to the property within a given subzone from the improvements involved. Each succeeding determination of percentage of benefit shall supersede any and all prior determinations. Prior to making such a new determination of percentage of benefit, the board shall adopt a resolution specifying its intention to so redetermine and fixing a time and place for public hearing on the resolution. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of which must be at least seven days before the hearing, in a newspaper of general circulation designated by the board, circulated in the subzone or subzones affected by the proposed redetermination, and if there be no such newspaper then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in the subzone or subzones.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written or oral objections to the proposed redetermination of percentage of benefit. Upon conclusion of the hearing, the board may, by resolution, make a new determination as to the percentage of benefit accruing to the property within the given subzone from the improvements involved, or may choose not to do so.

In the event that one or more subzones have been established within a zone pursuant to this section, any proposition for the incurring of a bonded indebtedness within a zone, or for increasing the maximum tax rate within the zone or subzone, shall indicate the fact that such subzone or subzones have been established in such manner as the board may deem appropriate.

The procedure for the levy and collection of taxes within each such subzone for the purpose herein provided in this section shall be the same as the procedure for the levy and collection of taxes within a zone established pursuant to Section 10 of this act.

SEC. 3. Section 10.4 is added to the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to read:

Sec. 10.4. A project instituted pursuant to the provisions of Section 10.3 of this act may later be modified or abandoned by resolution of the board. For the purpose of acquiring authority to modify or abandon any such project, the board shall adopt a resolution specifying its intention to so modify or abandon such

project and fixing a time and place for public hearing of the resolution. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of which must be at least seven days before the hearing, in a newspaper of general circulation designated by the board, circulated in the zone or zones for which the project was originally instituted, and if there be no such newspaper then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in the zone or zones.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written or oral objections to the proposed modification or abandonment. Upon the conclusion of the hearing the board may, by resolution, modify or abandon the project or may choose not to do so.

SEC. 4. Section 10.5 is added to the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to read:

Sec. 10.5. Upon a finding by the board that any zone or subzone formed pursuant to the provisions of Section 10 or Section 10.1 of this act has served the function for which it was created and that the continued existence of the zone or subzone is not necessary or desirable, the board may, by resolution, dissolve the zone or subzone.

For the purpose of acquiring authority to dissolve any such zone or subzone, the board shall adopt a resolution specifying its intention to dissolve such zone or subzone and fixing a time and place for public hearing of the resolution. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of which must be at least seven days before the hearing, in a newspaper of general circulation designated by the board, circulated in the zone or subzone sought to be dissolved, and if there be no such newspaper then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board in the zone or subzone.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written or oral objections to the proposed dissolution. Upon the conclusion of the hearing the board may, by resolution, dissolve the zone or subzone or may choose not to do so.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The San Mateo County Flood Control District is facing an emergency situation due to the exceptional amount of rainfall now being experienced. In order to enable the district to exercise the powers granted by this act at the earliest possible time in order to meet this emergency situation, it is necessary that this act go into immediate effect.